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THE ALL ENGLAND LAW REPORTS

Tables and Index 2001

Index Editor

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THE ALL ENGLAND LAW REPORTS

Tables and Index 2001

Cases reported and considered
Practice directions and notes
Statutes considered
Words and phrases considered
Subject index

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Introduction

The Tables and Index 2001 covers all the cases reported in the volumes of the All England Law Reports for 2001, including the European Cases volume and Commercial Cases volumes. The index is a continuation of the Consolidated Tables and Index 1936–2000. For information concerning the use of this index readers should refer to the introductions to volumes 1 and 2 of the 1936–2000 index.

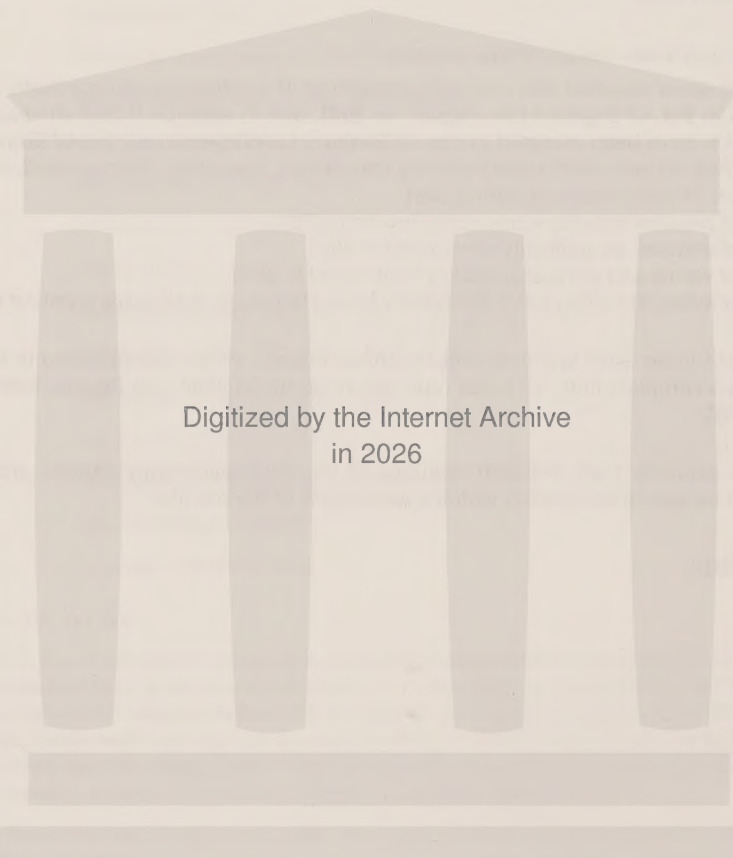
The tables and index consist of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 2001, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 2001
- a table of practice directions and notes issued in 2001
- a table of statutes etc judicially considered in 2001
- a table of words and phrases judicially considered in 2001
- a subject index, including a full system of cross-references, of all cases reported in 2001

The Tables and Index 2001 together with the three volumes of the Consolidated Index 1936–2000 provide a complete index of cases reported in the All England Law Reports from 1936 to the end of 2001.

The index is separate from the 2001 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

January 2002



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CASES REPORTED AND CONSIDERED

A

- A v National Blood Authority [2001] **3** 289, QBD
- A Ltd, Governor and Company of the Bank of Scotland v. *See* Governor and Company of the Bank of Scotland v A Ltd
- A, R v. *See* R v A
- A-G v Foley [2000] **2** 609, CA
Leave to appeal refused 31 January 2001, HL
- A-G v Punch Ltd [2001] **2** 655, CA
Leave to appeal given 23 October 2001, HL
- A-G v Times Newspapers Ltd [1991] **2** 398, HL
Explained, A-G v Punch Ltd [2001] **2** 655
- A-G's Reference (No 3 of 1999) [2000] **4** 360, CA
Reversed [2001] **1** 577, HL
- A-G's Reference (No 3 of 2000). *See* R v Looseley
- AB v South West Water Services Ltd [1992] **4** 574, QBD
Reversed [1993] **1** 609, CA
Overruled, Kuddus v Chief Constable of Leicestershire Constabulary [2001] **3** 193
- Abacha, Compagnie Noga D'Importation et D'Exportation SA v. *See* Compagnie Noga D'Importation et D'Exportation SA v Abacha
- Abbey National plc v Customs and Excise Comrs (Case C-408/98) [2001] **EC** 385, ECJ
- Abbey National plc v Lee. *See* LloydsTSB General Insurance Holdings Ltd v Lloyds Bank Group Insurance Co Ltd
- Abgabenberufungskommission Wien, Evangelischer Krankenhausverein Wien v. *See* Evangelischer Krankenhausverein Wien v Abgabenberufungskommission Wien
- Abnormal Load Engineering Ltd, Linea Naviera Paramaconi SA v. *See* Linea Naviera Paramaconi SA v Abnormal Load Engineering Ltd
- Ace Insurance SA-NV v Zurich Insurance Co [2000] **2** Comm 449, QBD
Affirmed [2001] **1** Comm 802, CA
- Adams v Cape Industries plc [1991] **1** 929, Ch D & CA
Applied, Trustor AB v Smallbone (No 2) [2001] **3** 987
- Adan v Secretary of State for the Home Dept [1997] **2** 723, CA
Reversed [1998] **2** 453, HL
Applied, R v Secretary of State for the Home Dept, ex p Adan [2001] **1** 593
- Addis v Gramophone Co Ltd [1908-10] **1**, HL
Considered, Johnson v Unisys Ltd [2001] **2** 801
- Agorà Srl v Ente Autonomo Fiera Internazionale di Milano (Joined cases C-223/99 and C-260/99) [2001] **EC** 769, ECJ
- AIB Group (UK) plc v Martin [2000] **2** Comm 686, CA
Leave to appeal given 1 February 2001, HL
- AIG Europe SA v QBE International Insurance Ltd [2001] **2** Comm 622, QBD
- AIG Europe (UK) Ltd v The Ethniki [1998] **4** 301, QBD
Affirmed [2000] **2** 566, [2000] **1** Comm 65
Considered, AIG Europe SA v QBE International Insurance Ltd [2001] **2** Comm 622
- Airedale NHS Trust v Bland [1993] **1** 821, Fam D & CA & HL
Applied, NHS Trust A v M [2001] **1** 801
- Akwushola v Secretary of State for the Home Dept [2000] **2** 148, CA
Dicta applied, R (on the application of the Secretary of State for the Home Dept) v Immigration Appeal Tribunal [2001] **4** 430
- Aktieselskabet Dampskibsselskabet Svendborg v Mobil North Sea Ltd [2001] **2** Comm 553, QBD
- Al-Fawwaz, Re [2001] **4** 149, QBD DC
- Al-Kishtaini, Shanshal v. *See* Shanshal v Al-Kishtaini
- Alam, Sarwar v. *See* Sarwar v Alam
- Albright & Wilson UK Ltd v Biachem Ltd [2001] **2** Comm 537, CA
Leave to appeal given 17 October 2001, HL
- Alconbury Developments Ltd (on the application of), R v Secretary of State for the Environment, Transport and the Regions. *See* R (on the application of Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions
- Alexander v Arts Council of Wales [2001] **4** 205, CA

Alitalia-Linee Aeree Italiane SpA v European Commission (supported by Air Europe SpA, intervening) (Case T-296/97) [2001] **EC** 193, CFI

Allcard v Skinner [1886-90] 90, CA

Considered, Royal Bank of Scotland plc v Etridge (No 2) [2001] **4** 449, [2001] **2 Comm** 1061

Allen v Amalgamated Construction Co Ltd (Case C-234/98) [2000] **EC** 97, ECJ

Applied, Oy Liikenne Ab v Liskojärvi (Case C-172/99) [2001] **EC** 544

Allen (No 2), R v. See R v Allen (No 2)

Allgemeine Ortskrankenkasse Rheinland, Regionaldirektion Köln, Plum v (Case C-404/98). See Plum v Allgemeine Ortskrankenkasse Rheinland, Regionaldirektion Köln (Case C-404/98)

Alliance and Leicester plc v Slayford [2001] **1 Comm** 1, CA

Allied Dunbar Insurance, Haghiran v. See Haghiran v Allied Dunbar Insurance

Alpine Investments BV v Minister van Financiën (Case C-384/93) [1995] **EC** 543, ECJ

Applied, Konsumentombudsmannen (KO) v Gourmet International Products AB (Case C-405/98) [2001] **EC** 308

Alton, ex p, R v Central Criminal Court. See R v Central Criminal Court, ex p Bright

Amand v Secretary of State for Home Affairs [1942] **1** 236, KBD

Affirmed [1942] **1** 480, CA

Affirmed [1942] **2** 381, HL

Dicta explained, United States Government v Montgomery (Montgomery, third party) [2001] **1** 815

AMB Imballaggi Plastici SRL v Pacflex Ltd [1999] **2 Comm** 249, CA

Applied, Mercantile International Group plc v Chuan Soon Huat Industrial Group plc [2001] **2 Comm** 632

Amber v Stacey [2001] **2** 88, CA

AMCD (Property Holdings) Ltd, Bank of Ireland v. See Bank of Ireland v AMCD (Property Holdings) Ltd

Amgulf Polymers & Chemicals Ltd v MV Athinoula (owners and/or demise charterers) [2001] **2 Comm** 821, QBD

Amoco (UK) Exploration Co v Imperial Chemical Industries. See Amoco (UK) Exploration Co v Teesside Gas Transportation Ltd

Amoco (UK) Exploration Co v Teesside Gas Transportation Ltd [2001] **1 Comm** 865, HL

Andre et Cie SA, Universal Bulk Carriers Ltd v. See Universal Bulk Carriers Ltd v Andre et Cie SA

Andrea Merzario Ltd v Internationale Spedition Leitner Gesellschaft GmbH [2001] **1 Comm** 883, CA

Aneco Reinsurance Underwriting Ltd (in liq) v Johnson & Higgins Ltd [2000] **1 Comm** 129, CA

Affirmed [2001] **2 Comm** 929, HL

Antaios Cia Naviera SA v Salen Rederierna AB [1983] **3** 777, CA

Affirmed on other grounds [1984] **3** 229, HL

Considered, Mousaka Inc v Golden Seagull Maritime Inc [2001] **2 Comm** 794

Anyanwu v South Bank Student Union (Commission for Racial Equality, interveners) [2000] **1** 1, CA

Reversed [2001] **2** 353, HL

Apis AS v Fantazia Kereskedelmi KFT [2001] **1 Comm** 348, QBD

Aqua Technology Hanson NV/SA, USF Ltd (t/a USF Memcor) v. See USF Ltd (t/a USF Memcor) v Aqua Technology Hanson NV/SA

Ara, DPP v. See DPP v Ara

Armitage & Guest (a firm), Brocklesby v. See Brocklesby v Armitage & Guest (a firm)

Armour v Thyssen Edelstahlwerke AG [1990] **3** 481, HL

Considered, Glencore International AG v Metro Trading Inc [2001] **1 Comm** 103

Arts Council of Wales, Alexander v. See Alexander v Arts Council of Wales

Ashdown v Telegraph Group Ltd [2001] **2** 370, Ch D

Affirmed [2001] **4** 666, CA

Applied, Imutran Ltd v Uncaged Campaigns Ltd [2001] **2** 385

Ashmore v British Coal Corp [1990] **2** 981, CA

Distinguished, Norris, Re [2001] **3** 961

Ashurst v Pollard [2000] **2** 772, Ch D

Affirmed [2001] **2** 75, CA

Ashworth Hospital Authority v MGN Ltd [2001] **1** 991, CA

Leave to appeal given 9 May 2001, HL

Association Greenpeace France v Ministère de l'Agriculture et de la Pêche (Case C-6/99) [2001] **EC** 791, ECJ

Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank [2001] **3** 393, CA

Attorney General, Royal Society for the Prevention of Cruelty to Animals v. See Royal Society for the Prevention of Cruelty to Animals v A-G

August, ex p, R v Criminal Injuries Compensation Appeals Panel. See R v Criminal Injuries Compensation Appeals Panel, ex p August

Avon CC v Howlett [1983] **1** 1073, CA

Considered, Scottish Equitable plc v Derby [2000] **3** 793, [2001] **2 Comm** 119

Avon Insurance plc, Great North Eastern Railway Ltd v. See Great North Eastern Railway Ltd v Avon Insurance plc

Avon Insurance plc, Tarbuck v. See Tarbuck v Avon Insurance plc

Axa Equity & Law Life Assurance Society plc and Axa Sun Life plc, Re [2001] **1 Comm** 1010, Ch D

B

B v Chief Constable of the Avon and Somerset Constabulary [2001] **1** 562, QBD

Approved, R (on the application of McCann) v Crown Court at Manchester [2001] **4** 264

B (a minor) v DPP [1998] **4** 265, QBD

Reversed [2000] **1** 833, HL

Applied, R v K [2001] **3** 897

Considered, R (on the application of Morgan Grenfell & Co Ltd) v Special Comr [2001] **1** 535

B-J (a child) (non-molestation order: power of arrest), Re [2001] **1** 235, CA

Balbo B & C Auto Transporti Internazionali (on the application of), R v Secretary of State for the Home Department. See R (on the application of Balbo B & C Auto Transporti Internazionali) v Secretary of State for the Home Dept

Bamberski, Krombach v. See Krombach v Bamberski (Case C-7/98)

Banca Carige SpA Cassa Di Risparmio Di Genova E Imperia v Banco Nacional De Cuba [2001] **3** 923, Ch D

Banco Nacional De Cuba, Banca Carige SpA Cassa Di Risparmio Di Genova E Imperia v. See Banca Carige SpA Cassa Di Risparmio Di Genova E Imperia v Banco Nacional De Cuba

Bank der Österreichischen Postsparkasse AG (Case C-381/99), Brunnhofer v. See Brunnhofer v Bank der Österreichischen Postsparkasse AG (Case C-381/99)

Bank of China v NBM LLC [2001] **4** 954, QBD

Bank of Credit and Commerce International SA (in liq) v Ali [1999] **2** 1005, Ch D
Reversed [2000] **3** 51, CA
Affirmed on different grounds [2001] **1** 961, HL

Bank of Ireland v AMCD (Property Holdings) Ltd [2001] **2** Comm 894, Ch D

Bank of Ireland Home Mortgages Ltd v Bell [2001] **2** Comm 920, CA

Bank of Scotland v Henry Butcher & Co [2001] **2** Comm 691, Ch D

Banks v Chief Adjudication Officer [2000] **1** 686, CA
Affirmed [2001] **4** 62, HL

Banque Financière de la Cité SA v Westgate Insurance Co Ltd [1987] **2** 923, QBD
Reversed [1989] **2** 952, CA
Affirmed on other grounds [1990] **2** 947, HL

Considered, HIH Casualty and General Insurance Ltd v Chase Manhattan Bank [2001] **1** Comm 719

Barclays Bank plc v Coleman [2000] **1** 385, CA
Affirmed [2001] **4** 449, HL

Barclays Bank plc v Goff [2001] **2** Comm 847, CA

Barclays Bank plc v O'Brien [1992] **4** 983, CA
Affirmed on other grounds [1993] **4** 417, HL
Applied, Wright v Cherrytree Finance Ltd (Scott and another, Pt 20 defendants) [2001] **2** Comm 877

Dictum explained, Royal Bank of Scotland plc v Etridge (No 2) [2001] **4** 449, [2001] **2** Comm 1061

Barkoci (on the application of), R v Secretary of State for the Home Department. See R (on the application of Barkoci) v Secretary of State for the Home Dept

Barry v Heathcote Ball & Co (Commercial Auctions) Ltd [2001] **1** 944, CA

Bayer AG v European Commission [2001] **EC** 1, CFJ

Bayoil SA v Seawind Tankers Corp [2001] **1** Comm 392, QBD

Bayoil SA, Galaxy Energy International Ltd v. See Galaxy Energy International Ltd v Bayoil SA

BBC, Kelly v. See Kelly v BBC

Behbehani v Salem [1989] **2** 143, CA
Applied, W v H (Family Division: without notice orders) [2001] **1** 300

Belgium, Floridienne SA v. See Floridienne SA v Belgium

Bell, Bank of Ireland Home Mortgages Ltd v. See Bank of Ireland Home Mortgages Ltd v Bell

Benjafield, R v. See R v Benjafield

Beresford v Royal Insurance Co Ltd [1936] **2** 1052, KBD
Reversed [1937] **2** 243, CA
Affirmed [1938] **2** 602, HL
Applied, Charlton v Fisher [2001] **1** Comm 769

Beresford (on the application of), R v Sunderland City Council. See R (on the application of Beresford) v Sunderland City Council

Berliner Kindl Brauerei AG v Siepert (Case C-208/98) [2001] **EC** 673, ECJ

Bettison v Langton [1999] **2** 367, CA
Affirmed [2001] **3** 417, HL

Bhai v Black Roof Community Housing Association Ltd [2001] **2** 865, CA

BHP Petroleum Great Britain Ltd v Chesterfield Properties Ltd [2001] **2** 914, Ch D

Biachem Ltd, Albright & Wilson UK Ltd v. See Albright & Wilson UK Ltd v Biachem Ltd

Bicester Youth Court, R (on the application of L) v. See R (on the application of the DPP) v Redbridge Youth Court

Birmingham City Council v Oakley [2001] **1** 385, HL

Birse Construction Ltd v Haiste Ltd (Watson and ors, third parties) [1996] **2** 1, CA
Considered, Eastgate Group Ltd v Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant) [2001] **2** Comm 1050

Black, Brandeis (Brokers) Ltd v. See Brandeis (Brokers) Ltd v Black

Black Roof Community Housing Association Ltd, Bhai v. See Bhai v Black Roof Community Housing Association Ltd

Blackshaw v Lord [1983] **2** 311, CA
Considered, Loutchansky v Times Newspapers Ltd [2001] **4** 115

Blasi v Finanzamt München I (Case C-346/95) [1998] **EC** 211, ECJ
Considered, Forsäkringsaktiebolaget Skandia (publ) (Case C-240/99), Re [2001] **EC** 822

BMBF (No 12) Ltd v Harland and Wolff Shipbuilding and Heavy Industries Ltd [2001] **2** Comm 385, CA

Bond Lewis & Co, Foenander v. See Foenander v Bond Lewis & Co

Bond Pearce (a firm), Corbett v. See Corbett v Bond Pearce (a firm)

Bonner-Williams v Peter Lindsay Leisure Ltd [2001] **1** Comm 1140, QBD

Borealis AB (formerly Borealis Petrokemi AB) v Stargas Ltd (Bergesen DY A/S, third party) [1998] **4** 821, CA
Affirmed [2001] **2** 193, [2001] **1** Comm 673, HL

Boss v Kingston [1963] **1** 177, QBD
Disapproved and distinguished, Dodson v Peter H Dodson Insurance Services (a firm) [2001] **3** 75, [2001] **1** Comm 300

Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd [2001] **1** Comm 1041, CA
Considered, Veaba Oil Supply and Trading GmbH v Petrotrade Inc [2001] **1** Comm 1051

Bow Street Magistrates' Court, R v. See Proulx, Re

Bowden v Tuffnells Parcels Express Ltd [2001] **EC** 865, ECJ

Bradford & Bingley Building Society v Seddon (Hancock and ors, t/a Hancocks (a firm), third parties) [1999] **4** 217, CA
Considered, Alliance and Leicester plc v Slayford [2001] **1** Comm 1

Brandeis (Brokers) Ltd v Black [2001] **2** Comm 980, QBD

Brasserie du Pêcheur SA v Germany (Joined cases C-46/93 and C-48/93) [1996] **EC** 301, ECJ
Considered, Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] **EC** 496

Bright, ex p, R v Central Criminal Court. See R v Central Criminal Court, ex p Bright

Brink's-MAT Ltd v Elcombe [1988] **3** 188, CA
Applied, W v H (Family Division: without notice orders) [2001] **1** 300

British Bank for Foreign Trade Ltd v Novimex Ltd [1949] **1** 155, CA
Considered, Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2** Comm 193

British Coal Corp v British Coal Staff Superannuation Scheme Trustees Ltd [1995] **1** 912, Ch D
Overruled, National Grid Co plc v Mayes [2001] **2** 417

British Eagle International Airlines Ltd v Compagnie Nationale Air France [1975] **2** 390, HL
Considered, Money Markets International Stockbrokers Ltd (in liq) v London Stock Exchange Ltd [2001] **4** 223, [2001] **2** Comm 344

British Gypsum Ltd, Knauf UK GmbH v. *See* Knauf UK GmbH v British Gypsum Ltd
 British Waterways Board v Severn Trent Water Ltd [2000] **1** 347, Ch D
 Reversed [2001] **3** 673, CA
 Broadcasting, Entertainment, Cinematographic and Theatre Union (on the application of), R v Secretary of State for Trade and Industry (Case C-173/99). *See* R (on the application of the Broadcasting, Entertainment, Cinematographic and Theatre Union) v Secretary of State for Trade and Industry (Case C-173/99)
 Broadmoor Hospital Authority v R [2000] **2** 727, CA
 Considered, Venables v News Group Newspapers Ltd [2001] **1** 908
 Brocklesby v Armitage & Guest (a firm) [2001] **1** 172, CA
 Applied, Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg [2001] **1** 182
 Brown, ex p, R v Criminal Injuries Compensation Appeals Panel. *See* R v Criminal Injuries Compensation Appeals Panel, ex p August
 Brown v Stott (Procurator Fiscal, Dunfermline) [2001] **2** 97, PC
 Considered, R v Benjafield [2001] **2** 609
 Brunnhofer v Bank der Österreichischen Postsparkasse AG (Case C-381/99) [2001] **EC** 693, ECJ
 BS & N Ltd (BVI) v Micado Shipping Ltd (Malta) (No 2) [2001] **1** **Comm** 240, CA
 Bulger (on the application of), R v Secretary of State for the Home Dept. *See* R (on the application of Bulger) v Secretary of State for the Home Dept
 Bulk Trading Corp Ltd, Zenziper Grains and Feed Stuffs v. *See* Zenziper Grains and Feed Stuffs v Bulk Trading Corp Ltd
 Burrows v Brent London BC [1996] **4** 577, HL
 Distinguished, Stirling v Leadenhall Residential 2 Ltd [2001] **3** 645
 Burton, Derby Specialist Fabrication Ltd v. *See* Derby Specialist Fabrication Ltd v Burton

C

C Inc plc v L [2001] **2** **Comm** 446, QBD
 Calfa (Criminal proceedings against)(Case C-348/96) [1999] **EC** 850, ECJ
 Considered, Gough v Chief Constable of the Derbyshire Constabulary [2001] **4** 289
 Callery v Gray [2001] **3** 833, CA
 Callery v Gray (No 2) [2001] **4** 1, CA
 Canara Bank, Solo Industries UK Ltd v. *See* Solo Industries UK Ltd v Canara Bank
 Capital Trust Investments Ltd v Radio Design TJ AB [2001] **3** 756, [2001] **1** **Comm** 1079, Ch D
 Carboneade (owners) v Ruta (owners) [2001] **1** 450, [2000] **1** **Comm** 847, QBD
 Card Protection Plan Ltd v Customs and Excise Comrs [2001] **2** 143, [2001] **1** **Comm** 438, HL
 Card Protection Plan Ltd v Customs and Excise Comrs (Case C-349/96) [1999] **EC** 339, ECJ
 Distinguished, Försäkringsaktiebolaget Skandia (publ) (Case C-240/99), Re [2001] **EC** 822
 Cargill International SA, Transpacific Discovery SA v. *See* Transpacific Discovery SA v Cargill International SA
 Carlson v Townsend [2001] **3** 663, CA
 Carousel Shipping Co Ltd, Cuflet Chartering v. *See* Cuflet Chartering v Carousel Shipping Co Ltd
 Carr-Glynn v Frearsons (a firm) [1997] **2** 614, Ch D
 Reversed [1998] **4** 225, CA
 Applied, Corbett v Bond Pearce (a firm) [2001] **3** 769
 CAS (Nominees) Ltd v Nottingham Forest plc [2001] **1** 954, Ch D
 Cassell & Co Ltd v Broome [1971] **1** 262, QBD
 Reversed [1971] **2** 187, CA
 Affirmed on other grounds [1972] **1** 801, HL
 Considered, Kuddus v Chief Constable of Leicestershire Constabulary [2001] **3** 193
 Central Criminal Court, R v, ex p Alton. *See* R v Central Criminal Court, ex p Bright
 Central Criminal Court, R v, ex p Bright. *See* R v Central Criminal Court, ex p Bright
 Central Criminal Court, R v, ex p Rusbridger. *See* R v Central Criminal Court, ex p Bright
 Channel Tunnel Group Ltd v Balfour Beatty Construction Ltd [1992] **2** 609, CA
 Affirmed [1993] **1** 664, HL
 Considered, C Inc plc v L [2001] **2** **Comm** 446
 Charlton v Fisher [2001] **1** **Comm** 769, CA
 Charter Reinsurance Co Ltd v Fagan [1996] **1** 406, CA
 Affirmed [1996] **3** 46, HL
 Applied and considered, Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2) [2001] **2** **Comm** 299
 Chase Manhattan Bank, HIH Casualty and General Insurance Ltd v. *See* HIH Casualty and General Insurance Ltd v Chase Manhattan Bank
 Chelsea Yacht and Boat Co Ltd v Pope [2001] **2** 409, CA
 Cherrytree Finance Ltd (Scott and another, Pt 20 defendants), Wright v. *See* Wright v Cherrytree Finance Ltd (Scott and another, Pt 20 defendants)
 Chesterfield Properties Ltd, BHP Petroleum Great Britain Ltd v. *See* BHP Petroleum Great Britain Ltd v Chesterfield Properties Ltd
 Chesterfield Properties Ltd
 Chhabria, United Film Distribution Ltd v. *See* United Film Distribution Ltd v Chhabria
 Chief Adjudication Officer v Maguire [1999] **2** 859, CA
 Distinguished, SCI (Sales Curve Interactive) Ltd v Titus SARL [2001] **2** **Comm** 416
 Chief Constable of Derbyshire Constabulary, Costello v. *See* Costello v Chief Constable of Derbyshire Constabulary
 Chief Constable of Greater Manchester Police, Igwemma v. *See* Igwemma v Chief Constable of Greater Manchester Police
 Chief Constable of Leicestershire Constabulary, Kuddus v. *See* Kuddus v Chief Constable of Leicestershire Constabulary
 Chief Constable of the Avon and Somerset Constabulary, B v. *See* B v Chief Constable of the Avon and Somerset Constabulary
 Chief Constable of the Derbyshire Constabulary, Gough v. *See* Gough v Chief Constable of the Derbyshire Constabulary
 Chief Constable of the Northumbria Constabulary, R (on the application of Thompson) v. *See* R (on the application of Thompson) v Chief Constable of the Northumbria Constabulary
 Chief Constable of the Royal Ulster Constabulary, McGrath v. *See* McGrath v Chief Constable of the Royal Ulster Constabulary

Chief Constable of West Yorkshire Police, Khan v. *See* Khan v Chief Constable of West Yorkshire Police

China National Petroleum Corp, LG Caltex Gas Co Ltd v. *See* LG Caltex Gas Co Ltd v China National Petroleum Corp

China Offshore Oil (Singapore) International Pte Ltd v Giant Shipping Ltd [2001] **1 Comm** 429, QBD

Choithram (T) International SA v Pagarani [2001] **2** 492, PC

Chuan Soon Huat Industrial Group plc, Mercantile International Group plc v. *See* Mercantile International Group plc v Chuan Soon Huat Industrial Group plc

Cia Maritima San Basilio SA v The Oceanus Mutual Underwriting Association (Bermuda) Ltd [1976] **3** 243, CA

Applied, Manifest Shipping Co Ltd v Uni-Polaris Shipping Co Ltd [2001] **1** 743, [2001] **1 Comm** 193

Cie de Gestion et D'Exploitation Ltd, Marimpex Mineraloel-Handelsgesellschaft MBH & Co KB v. *See* Marimpex Mineraloel-Handelsgesellschaft MBH & Co KB v Cie de Gestion et D'Exploitation Ltd

Citro (a bankrupt), Re [1990] **3** 952, CA

Not followed, Mortgage Corporation v Shaire [2001] **4** 364

City Alliance Ltd v Oxford Forecasting Services Ltd [2001] **1 Comm** 233, CA

Civil Aviation Authority, Friend v. *See* Friend v Civil Aviation Authority

Civil Aviation Authority, R (on the application of Jet Services Ltd) v. *See* R (on the application of Jet Services Ltd) v Civil Aviation Authority

Clark (Inspector of Taxes) v Perks [2000] **4** 1, CA

Dictum corrected, Foenander v Bond Lewis & Co [2001] **2** 1019

Co-operative Retail Services Ltd v Taylor Young Partnership Ltd (Tarmac Construction (Contracts) Ltd (formerly Wimpey Construction UK Ltd), third parties)(Genergy plc (formerly Dale Power Systems plc), fourth party)(Flue-Stox Engineering Ltd, fifth party) [2000] **1 Comm** 721, QBD

Affirmed [2000] **2 Comm** 865, CA

Leave to appeal given 26 March 2001, HL

Coflexip SA v Stolt Comex Seaway MS Ltd [1999] **2** 593, Ch D

Reversed [2001] **1** 952n, CA

Leave to appeal refused 4 April 2001, HL

Colley v Council for Licensed Conveyancers [2001] **4** 998, CA

Collings v Lee [2001] **2** 332, CA

Collino v Telecom Italia SpA (Case C-343/98) [2001] **EC** 405, ECJ

Commission for the New Towns (The), Weldon Plant Ltd v. *See* Weldon Plant Ltd v The Commission for the New Towns

Compagnie Internationale de Navigation, Société Eram Shipping Co Ltd v. *See* Société Eram Shipping Co Ltd v Compagnie Internationale de Navigation

Compagnie Noga D'Importation et D'Exportation SA v Abacha [2001] **3** 513, QBD

Comrs of Customs and Excise, Han v. *See* Han v Comrs of Customs and Excise

Comrs of Customs and Excise, Martins v. *See* Han v Comrs of Customs and Excise

Comrs of Customs and Excise, Morris v. *See* Han v Comrs of Customs and Excise

Conselleria de Sanidad y Consumo de la Generalidad Valenciana (Case C-303/98), Sindicato de Médicos de Asistencia Pública (Simap) v. *See* Sindicato de Médicos de Asistencia Pública (Simap) v Conselleria de Sanidad y Consumo de la Generalidad Valenciana (Case C-303/98)

Continental Bank NA v Aeokos Cia Naviera SA [1994] **2** 540, CA

Followed, Laff Office and International Business SL v Meriden Animal Health Ltd [2001] **1 Comm** 54

Cool Carriers AB v HSBC Bank USA [2001] **2 Comm** 177, QBD

Corbett v Bond Pearce (a firm) [2001] **3** 769, CA

Cork (as trustee in bankruptcy for Rawlins) v Rawlins [2001] **4** 50, CA

Costello v Chief Constable of Derbyshire Constabulary [2001] **3** 150, CA

Council for Licensed Conveyancers, Colley v. *See* Colley v Council for Licensed Conveyancers

Courage Ltd v Crehan [2001] **EC** 886, ECJ

Coutts & Co v Stock [2000] **2** 56, Ch D

Approved, Hollicourt (Contracts) Ltd (in liq) v Bank of Ireland [2001] **1** 289, [2001] **1 Comm** 357

Credit Agricole Indosuez v Credit Suisse First Boston (Zurich) [2001] **1 Comm** 1088, QBD

Credit Lyonnais Bank Nederland NV v Burch [1997] **1** 144, CA

Approved, Royal Bank of Scotland plc v Etridge (No 2) [2001] **4** 449, [2001] **2 Comm** 1061

Credit Suisse First Boston (Zurich), Credit Agricole Indosuez v. *See* Credit Agricole Indosuez v Credit Suisse First Boston (Zurich)

Crehan, Courage Ltd v. *See* Courage Ltd v Crehan

Criminal Injuries Compensation Appeals Panel, R v, ex p August. *See* R v Criminal Injuries Compensation Appeals Panel, ex p August

Criminal Injuries Compensation Appeals Panel, R v, ex p Brown. *See* R v Criminal Injuries Compensation Appeals Panel, ex p August

Crown Court at Kingston, R (on the application of IRC) v. *See* R (on the application of IRC) v Crown Court at Kingston

Crown Court at Leeds, R v, ex p Wardle. *See* R v Crown Court at Leeds, ex p Wardle

Crown Court at Manchester, R (on the application of McCann) v. *See* R (on the application of McCann) v Crown Court at Manchester

Crown Court at Reading, R (on the application of Eliot) v. *See* R (on the application of Eliot) v Crown Court at Reading

Cuckmere Brick Co Ltd v Mutual Finance Ltd [1971] **2** 633, CA

Applied, Meftah v Lloyds TSB Bank plc [2001] **2 Comm** 741

Cuflet Chartering v Carousel Shipping Co Ltd [2001] **1 Comm** 398, QBD

Custins, Peacock v. *See* Peacock v Custins

Customs and Excise Comrs v Faith Construction Ltd [1988] **1** 919, QBD

Affirmed [1989] **2** 938, CA

Applied, MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd [2001] **1** 865

Customs and Excise Comrs v Midland Bank plc [2000] **EC** 673, ECJ

Applied, Abbey National plc v Customs and Excise Comrs (Case C-408/98) [2001] **EC** 385

Customs and Excise Comrs v Primback Ltd (Case C-34/99) [2001] **EC** 714, ECJ

Customs and Excise Comrs, Abbey National plc v (Case C-408/98). *See* Abbey National plc v Customs and Excise Comrs (Case C-408/98)

Customs and Excise Comrs, Card Protection Plan Ltd v. *See* Card Protection Plan Ltd v Customs and Excise Comrs

Customs and Excise Comrs, Eastbourne Town Radio Cars Association v. *See* Eastbourne Town Radio Cars Association v Customs and Excise Comrs

D

- Dahl-Jensen (UK) Ltd, Bouygues (UK) Ltd v. *See* Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd
Daintrey, Re, ex p Holt [1891-4] 209, DC
Distinguished, Unilever plc v The Proctor & Gamble Co [2001] **1** 783
Danish Satellite TV A/S (Eurotica Rendez-Vous Television) v EC (United Kingdom intervening) (Case T-69/99) [2001] **EC** 577, CFI
David Wilson Homes Ltd v Survey Services Ltd (in liq) [2001] **1** **Comm** 449, CA
Definitely Maybe (Touring) Ltd v Marek Lieberberg Konzertagentur GmbH [2001] **4** 283, [2001] **2** **Comm** 1, QBD
DEG-Deutsche Investitions und Entwicklungsgesellschaft mbH v Koshy [2001] **3** 878, CA
Delaware Mansions Ltd v Westminster City Council [2001] **4** 737, HL
Delos (cargo owners) v Delos Shipping Ltd [2001] **1** **Comm** 763, QBD
Delos Shipping Ltd, Delos (cargo owners) v. *See* Delos (cargo owners) v Delos Shipping Ltd
Dennis & Sons Ltd v West Norfolk Farmers' Manure & Chemical Co-operative Co Ltd [1943] **2** 94, Ch D
Applied, CAS (Nominees) Ltd v Nottingham Forest plc [2001] **1** 954
Derby, Scottish Equitable plc v. *See* Scottish Equitable plc v Derby
Derby Specialist Fabrication Ltd v Burton [2001] **2** 840, EAT
Designers Guild Ltd v Russell Williams (Textiles) Ltd [2001] **1** 700, HL
Dimsey (No 2), R v. *See* R v Dimsey (No 2)
Director General of Fair Trading v First National Bank plc [2000] **1** 240, Ch D
Reversed [2000] **2** 759, [2000] **1** **Comm** 371, CA
Reversed [2001] **2** **Comm** 1000, HL
Dixon (CW) Ltd, Re [1947] **1** 279, Ch D
Applied, Smith v White Knight Laundry Ltd [2001] **3** 862
Dodson v Peter H Dodson Insurance Services (a firm) [2001] **3** 75, [2001] **1** **Comm** 300, CA
Donoghue, Poplar Housing and Regeneration Community Association Ltd v. *See* Poplar Housing and Regeneration Community Association Ltd v Donoghue
Donohue v Armco Inc [2000] **1** **Comm** 425, QBD
Reversed [2000] **1** **Comm** 641, CA
Leave to appeal given 21 February 2001, HL
Applied, National Westminster Bank v Utrecht-America Finance Co [2001] **3** 733, [2001] **2** **Comm** 7
Douglas v Hello! Ltd [2001] **2** 289, CA
DPP v Ara [2001] **4** 559, QBD DC
DPP, H v. *See* I v DPP
DPP, I v. *See* I v DPP
DPP, Lilley v. *See* Gough v Chief Constable of the Derbyshire Constabulary
DPP, M v. *See* I v DPP
DPP (on the application of), R v Redbridge Youth Court. *See* R (on the application of the DPP) v Redbridge Youth Court
Dubai Islamic Bank PJSC v Paymentech Merchant Services Inc [2001] **1** **Comm** 514, QBD
Duer v Frazer [2001] **1** 249, QBD
Durnell (R) & Sons Ltd v Secretary of State for Trade and Industry [2001] **1** **Comm** 41, QBD
DWS (decd), Re [2000] **2** 83, Ch D
Affirmed [2001] **1** 97, CA
Leave to appeal refused 21 February 2001, HL

E

- Eastaway, ex p, R v Secretary of State for Trade and Industry. *See* R v Secretary of State for Trade and Industry, ex p Eastaway
Eastbourne Town Radio Cars Association v Customs and Excise Comrs [2001] **2** 597, HL
Eastgate Group Ltd v Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant) [2001] **2** **Comm** 1050, CA
Eaton Leonard Technologies Inc, Ingmar GB Ltd v. *See* Ingmar GB Ltd v Eaton Leonard Technologies Inc
Ebert v Official Receiver [2001] **3** 942, CA
Ebrahim (on the application of), R v Feltham Magistrates' Court. *See* R (on the application of Ebrahim) v Feltham Magistrates' Court
EC (United Kingdom intervening), Danish Satellite TV A/S (Eurotica Rendez-Vous Television) v. *See* Danish Satellite TV A/S (Eurotica Rendez-Vous Television) v EC (United Kingdom intervening) (Case T-69/99)
Eliot (on the application of), R v Crown Court at Reading. *See* R (on the application of Eliot) v Crown Court at Reading
Elitestone Ltd v Morris [1997] **2** 513, HL
Applied, Chelsea Yacht and Boat Co Ltd v Pope [2001] **2** 409
Ente Autonomo Fiera Internazionale di Milano (Joined cases C-223/99 and C-260/99), Agorà Srl v. *See* Agorà Srl v Ente Autonomo Fiera Internazionale di Milano (Joined cases C-223/99 and C-260/99)
Entick v Carrington [1558-1774] 41, CP
Considered, R v Central Criminal Court, ex p Bright [2001] **2** 244
Eurobunker SpA, Galaxy Energy International Ltd v. *See* Galaxy Energy International Ltd v Eurobunker SpA
European Commission v Imperial Chemical Industries plc (Case C-286/95 P) [2001] **EC** 439, ECJ
European Commission v Solvay SA (Joined cases C-287/95 P and C-288/95 P). *See* European Commission v Imperial Chemical Industries plc (Case C-286/95 P)
European Commission v United Kingdom (Case C-300/95) [1997] **EC** 481, ECJ
Considered, A v National Blood Authority [2001] **3** 289
European Commission, Alitalia-Linee Aeree Italiane SpA v (supported by Air Europe SpA, intervening) (Case T-296/97). *See* Alitalia-Linee Aeree Italiane SpA v European Commission (supported by Air Europe SpA, intervening) (Case T-296/97)
European Commission, Bayer AG v. *See* Bayer AG v European Commission
European Commission (Joined cases T-202/98, T-204/98 and T-207/98), Tate & Lyle plc v. *See* Tate & Lyle plc v European Commission (Joined cases T-202/98, T-204/98 and T-207/98)
Evangelischer Krankenhausverein Wien v Abgabenberufungskommission Wien [2001] **EC** 735, ECJ
Evans, Mander v. *See* Mander v Evans
Evans, Markfield Investments Ltd v. *See* Markfield Investments Ltd v Evans

F

- Faccini Dori v Recreb Srl (Case C-91/92) [1995] **EC** 1, ECJ
 Applied, Sindicato de Médicos de Asistencia Pública (Simap) v Conselleria de Sanidad y Consumo de la Generalidad Valenciana (Case C-303/98) [2001] **EC** 609
- Fantazia Kereskedelmi KFT, Apis AS v. *See* Apis AS v Fantazia Kereskedelmi KFT
- Far Eastern Shipping Co Public Ltd v Scales Trading Ltd [2001] **1 Comm** 319, PC
- Farley v Skinner [2001] **4** 801, HL
- Farrell v Alexander [1976] **1** 129, CA
 Reversed [1976] **2** 721, HL
- Considered, R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd [2001] **1** 195
- Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Ligue Belge Belgische Liga ASBL, intervening), Lehtonen v. *See* Lehtonen v Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Ligue Belge Belgische Liga ASBL, intervening)
- Feltham Magistrates' Court, R (on the application of Ebrahim). *See* R (on the application of Ebrahim) v Feltham Magistrates' Court
- First Corporate Shipping Ltd (on the application of), R v Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening). *See* R (on the application of First Corporate Shipping Ltd) v Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening)
- First County Trust Ltd, Wilson v. *See* Wilson v First County Trust Ltd
- Fisher, Charlton v. *See* Charlton v Fisher
- Fitzwilliam Executive Search Ltd (t/a Fitzwilliam Technical Services) v Bestuur van het Landelijk Instituut Sociale Verzekeringen (Case C-202/97) [2000] **EC** 144, ECJ
 Applied, Plum v Allgemeine Ortskrankenkasse Rheinland, Regionaldirektion Köln (Case C-404/98) [2001] **EC** 240
- Flacker Shipping Ltd, Glencore Grain Ltd v. *See* Glencore Grain Ltd v Flacker Shipping Ltd
- Fletcher v Midland Bank plc. *See* Preston v Wolverhampton Healthcare NHS Trust
- Fleurose (on the application of), R v Securities and Futures Authority Ltd. *See* R (on the application of Fleurose) v Securities and Futures Authority Ltd
- Floridienne SA v Belgium [2001] **EC** 37, ECJ
- Foanander v Bond Lewis & Co [2001] **2** 1019, CA
- Foley v Classique Coaches Ltd [1934] 88, CA
 Considered, Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2 Comm** 193
- Foley, Post Office v. *See* Post Office v Foley
- Forbes, R v. *See* R v Forbes
- Ford v GKR Construction Ltd [2000] **1** 802, CA
 Considered, Amber v Stacey [2001] **2** 88
- Försäkringsaktiebolaget Skandia (publ) (Case C-240/99), Re [2001] **EC** 822, ECJ
- Forsythe International (UK) Ltd v Silver Shipping Co Ltd [1994] **1** 851, QBD
 Distinguished, Michael Gerson (Leasing) Ltd v Wilkinson [2001] **1** 148, [2000] **2 Comm** 890
- Foskett v McKeown [1997] **3** 392, CA
 Reversed [2000] **3** 97, HL
 Considered, Glencore International AG v Metro Trading Inc [2001] **1 Comm** 103
- Fothergill v Monarch Airlines Ltd [1977] **3** 616, QBD
 Affirmed [1979] **3** 445, CA
 Reversed [1980] **2** 696, HL
 Considered, Western Digital Corp v British Airways plc [2001] **1** 109, [2000] **2 Comm** 647
- Frans Maas Logistics (UK) Ltd v CDR Trucking BV [1999] **1 Comm** 737, QBD
 Disapproved, Andrea Merzario Ltd v Internationale Spedition Leitner Gesellschaft GmbH [2001] **1 Comm** 883
- Frazer, Duer v. *See* Duer v Frazer
- Friend v Civil Aviation Authority [2001] **4** 385, CA
- Furniss (Inspector of Taxes) v Dawson [1984] **1** 530, HL
 Explained, MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd [2001] **1** 865

G

- Gaiman v National Association for Mental Health [1970] **2** 362, Ch D
 Considered, Royal Society for the Prevention of Cruelty to Animals v A-G [2001] **3** 530
- Galaxy Energy International Ltd v Bayoil SA [2001] **1 Comm** 289, CA
- Galaxy Energy International Ltd v Eurobunker SpA [2001] **2 Comm** 912, QBD
- Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2) [2001] **2 Comm** 299, CA
- Gardner v Moore [1984] **1** 1100, HL
 Applied, Charlton v Fisher [2001] **1 Comm** 769
- Gatewhite Ltd v Iberia Lineas Aereas de España SA [1989] **1** 944, QBD
 Considered, Western Digital Corp v British Airways plc [2001] **1** 109, [2000] **2 Comm** 647
- Geffroy (Criminal proceedings against) (Case C-366/98) [2001] **EC** 222, ECJ
- Georg Schünemann GmbH (Case C-350/99), Lange v. *See* Lange v Georg Schünemann GmbH (Case C-350/99)
- Giant Shipping Ltd, China Offshore Oil (Singapore) International Pte Ltd v. *See* China Offshore Oil (Singapore) International Pte Ltd v Giant Shipping Ltd
- GKR Karate (UK) Ltd v Yorkshire Post Newspapers Ltd [2000] **2** 931, CA
 Considered, Loutchansky v Times Newspapers Ltd [2001] **4** 115
- Glencore Grain Ltd v Flacker Shipping Ltd [2001] **1 Comm** 659, QBD
- Glencore International AG v Metro Trading Inc [2001] **1 Comm** 103, QBD
- Glencore International AG, Kalmneft JSC v. *See* Kalmneft JSC v Glencore International AG
- GMAC Commercial Credit Development Ltd v Sandhu [2001] **2 Comm** 782, CA
- Godwin v Swindon BC [2001] **4** 641, CA
- Goff, Barclays Bank plc v. *See* Barclays Bank plc v Goff
- Goldberg, Liverpool Roman Catholic Archdiocese Trustees Incorporated v. *See* Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg

Goldberg (No 2), Liverpool Roman Catholic Archdiocese Trustees Incorporated v. *See* Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg (No 2)

Golden Seagull Maritime Inc, Mousaka Inc v. *See* Mousaka Inc v Golden Seagull Maritime Inc

Goldman v Hargrave [1966] **2** 989, PC

Considered, Delaware Mansions Ltd v Westminster City Council [2001] **4** 737

Goode v Martin [2001] **3** 562, QBD

Gore Wood & Co (a firm), Johnson v. *See* Johnson v Gore Wood & Co (a firm)

Gough v Chief Constable of the Derbyshire Constabulary [2001] **4** 289, QBD DC

Gourmet International Products AB, Konsumentombudsmannen (KO) v (Case C-405/98). *See* Konsumentombudsmannen (KO) v Gourmet International Products AB (Case C-405/98)

Government of Ceylon v Chandris [1963] **2** 1, QBD

Considered, M/S Alghanim Industries Inc v Skandia International Insurance Corp [2001] **2** Comm 30

Governor and Company of the Bank of Scotland v A Ltd [2001] **3** 58, [2001] **1** Comm 1023, CA

Grant v South-West Trains Ltd (Case C-249/96) [1998] **EC** 193, ECJ

Not followed, MacDonald v Ministry of Defence [2001] **1** 620

Gray, Callery v. *See* Callery v Gray

Gray (No 2), Callery v. *See* Callery v Gray (No 2)

Gray's Inn Construction Co Ltd, Re [1980] **1** 814, CA

Dicta disapproved, Hollicourt (Contracts) Ltd (in liq) v Bank of Ireland [2001] **1** 289, [2001] **1** Comm 357

Great North Eastern Railway Ltd v Avon Insurance plc [2001] **2** Comm 526, CA

Grobbeelaar v News Group Newspapers Ltd [2001] **2** 437, CA

Leave to appeal given 24 July 2001, HL

Grundkotter Fleischvertriebs-GmbH, Montrod Ltd v. *See* Montrod Ltd v Grundkotter Fleischvertriebs-GmbH

Gulf Azov Shipping Co Ltd v Idisi [2001] **2** Comm 673, CA

H

H v DPP. *See* I v DPP

H (Family Division: without notice orders), W v. *See* W v H (Family Division: without notice orders)

H, NHS Trust B v. *See* NHS Trust A v M

Hackney London BC, R (on the application of Structadene Ltd) v. *See* R (on the application of Structadene Ltd) v Hackney London BC

Haghiran v Allied Dunbar Insurance [2001] **1** Comm 97, CA

Haji-Ioannou v Frangos [1999] **2** Comm 865, CA

Considered, Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1** Comm 54

Hall v Kingston upon Hull City Council [1999] **2** 609, QBD

Considered, Hewlings v McLean Homes East Anglia Ltd [2001] **2** 281

Han v Comrs of Customs and Excise [2001] **4** 687, CA

Handels-og Kontorfunktionærernes Forbund i Danmark (acting on behalf of Brandt-Nielsen), Tele Danmark A/S v. *See* Tele Danmark A/S v Handels-og Kontorfunktionærernes Forbund i Danmark (acting on behalf of Brandt-Nielsen)

Happy Day (The). *See* Glencore Grain Ltd v Flacker Shipping Ltd

Harding (owner of the Lutra II) v Ruta (owners). *See* Carboneade (owners) v Ruta (owners)

Hardy v Motor Insurers' Bureau [1964] **2** 742, CA

Applied, Charlton v Fisher [2001] **1** Comm 769

Harland and Wolff Shipbuilding and Heavy Industries Ltd, BMBF (No 12) Ltd v. *See* BMBF (No 12) Ltd v Harland and Wolff Shipbuilding and Heavy Industries Ltd

Harrods (Buenos Aires) Ltd, Re [1991] **4** 334, CA

Applied, Ace Insurance SA-NV v Zurich Insurance Co [2001] **1** Comm 802

Considered, Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1** Comm 54

Havering Magistrates' Court, R (on the application of the DPP) v. *See* R (on the application of the DPP) v Havering Magistrates' Court

Hayward v Norwich Union Insurance Ltd [2001] **1** Comm 545, CA

Leave to appeal refused 22 October 2001, HL

Hayward (decd), Re [1997] **1** 32, Ch D

Approved, Ashurst v Pollard [2001] **2** 75

Distinguished, Ashurst v Pollard [2001] **2** 75

Hazlett v Sefton Metropolitan BC [2000] **4** 887, QBD

Applied, R (on the application of McCormick) v Liverpool City Magistrates' Court [2001] **2** 705

HB Ice Cream Ltd, Masterfoods Ltd v. *See* Masterfoods Ltd v HB Ice Cream Ltd

Healy, International Power plc (formerly National Power plc) v. *See* National Grid Co plc v Mayes

Healy, Murrell v. *See* Murrell v Healy

Heathcote Ball & Co (Commercial Auctions) Ltd, Barry v. *See* Barry v Heathcote Ball & Co (Commercial Auctions) Ltd

Hello! Ltd, Douglas v. *See* Douglas v Hello! Ltd

Henderson v Henderson [1843-60] 378, V-C

Considered, Johnson v Gore Wood & Co (a firm) [2001] **1** 481

Distinguished, Friend v Civil Aviation Authority [2001] **4** 385

Henry Boot Construction (UK) Ltd v Malmesdon Hotel (Manchester) Ltd [2001] **1** 257, [2000] **2** Comm 960, CA

Henry Butcher & Co, Bank of Scotland v. *See* Bank of Scotland v Henry Butcher & Co

Hereward Housing Association, Prentice v. *See* Prentice v Hereward Housing Association

Hesley Hall Ltd, Lister v. *See* Lister v Hesley Hall Ltd

Hewitt v Wirral and West Cheshire Community NHS Trust. *See* Totty v Snowden

Hewlings v McLean Homes East Anglia Ltd [2001] **2** 281, QBD

HIH Casualty and General Insurance Ltd v Chase Manhattan Bank [2001] **1** Comm 719, QBD

Followed, HIH Casualty & General Insurance Ltd v New Hampshire Insurance Co [2001] **2** Comm 39

HIH Casualty & General Insurance Ltd v New Hampshire Insurance Co [2001] **2** Comm 39, CA

Hillas & Co Ltd v Arcos Ltd [1932] 494, HL

Considered, Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2** Comm 193

Hillman, Swain v. *See* Swain v Hillman

Hoechst AG v IRC. *See* Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98)

Hollicourt (Contracts) Ltd (in liq) v Bank of Ireland [2000] **2** 45, Ch D

Reversed [2001] **1** 289, [2001] **1** Comm 357, CA

Homburg Houtimport BV v Agrosin Private Ltd [1999] **2 Comm** 591, QBD
 Reversed in part [2001] **1 Comm** 455, CA
 Howglen Ltd, Re [2001] **1** 376, Ch D
 HSBC Bank plc (formerly Midland Bank plc) v Madden [2000] **2** 741, EAT
 Reversed [2001] **1** 550, CA
 HSBC Bank USA, Cool Carriers AB v. *See* Cool Carriers AB v HSBC Bank USA
 Hume, Rall v. *See* Rall v Hume
 Hunter v Chief Constable of West Midlands [1980] **2** 227, CA
 Affirmed [1981] **3** 727, HL
 Distinguished, Norris, Re [2001] **3** 961
 Hyams v Plender [2001] **2** 179, CA

I

I v DPP [2001] **2** 583, HL
 Idisi, Gulf Azov Shipping Co Ltd v. *See* Gulf Azov Shipping Co Ltd v Idisi
 Igemma v Chief Constable of Greater Manchester Police [2001] **4** 751, CA
 Ilikiw v Samuels [1963] **2** 879, CA
 Applied, Lister v Hesley Hall Ltd [2001] **2** 769
 Immigration Appeal Tribunal, R (on the application of the Secretary of State for the Home Department) v. *See* R (on the application of the Secretary of State for the Home Dept) v Immigration Appeal Tribunal
 Imperial Chemical Industries, Amoco (UK) Exploration Co v. *See* Amoco (UK) Exploration Co v Teesside Gas Transportation Ltd
 Imperial Chemical Industries plc v Colmer (Inspector of Taxes)(Case C-264/96) [1998] **EC** 585, ECJ
 Applied, Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] **EC** 496
 Imperial Chemical Industries plc, European Commission v (Case C-286/95 P). *See* European Commission v Imperial Chemical Industries plc (Case C-286/95 P)
 Imutran Ltd v Uncaged Campaigns Ltd [2001] **2** 385, Ch D
 Industrial Steels (UK) Ltd, KBC Bank v. *See* KBC Bank v Industrial Steels (UK) Ltd
 Infantino v MacLean [2001] **3** 802, QBD
 Disapproved, Godwin v Swindon BC [2001] **4** 641
 Ingmar GB Ltd v Eaton Leonard Technologies Inc [2001] **EC** 57, [2001] **1 Comm** 329, ECJ
 Inner London North Coroner, R v, ex p Touche. *See* R v Inner London North Coroner, ex p Touche
 Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd [1988] **1** 348, CA
 Considered, HIH Casualty & General Insurance Ltd v New Hampshire Insurance Co [2001] **2 Comm** 39
 International Power plc (formerly National Power plc) v Healy. *See* National Grid Co plc v Mayes
 Internationale Spedition Leitner Gesellschaft GmbH, Andrea Merzario Ltd v. *See* Andrea Merzario Ltd v Internationale Spedition Leitner Gesellschaft GmbH
 IRC, ex p Newfields Developments Ltd, R v. *See* R v IRC, ex p Newfields Developments Ltd
 IRC v Rossminster Ltd [1979] **3** 385, QBD & CA
 Reversed [1980] **1** 80, HL
 Considered, R v Central Criminal Court, ex p Bright [2001] **2** 244
 IRC, Hoechst AG v. *See* Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98)
 IRC, Lewis v. *See* Lewis v IRC
 IRC, Metallgesellschaft Ltd v. *See* Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98)
 IRC (on the application of), R v Crown Court at Kingston. *See* R (on the application of IRC) v Crown Court at Kingston

J

James Moore Earthmoving, Miller Construction Ltd v. *See* Miller Construction Ltd v James Moore Earthmoving
 Jephson Homes Housing Association v Moisejevs [2001] **2** 901, CA
 Johnson v Gore Wood & Co (a firm) [2001] **1** 481, HL
 Considered, Friend v Civil Aviation Authority [2001] **4** 385
 Johnson v Unisys Ltd [1999] **1** 854, CA
 Affirmed [2001] **2** 801, HL
 Jolliffe v Jolliffe [1963] **3** 295, Div
 Applied, B v Chief Constable of the Avon and Somerset Constabulary [2001] **1** 562
 Jones v Sherwood Computer Services plc [1992] **2** 170, CA
 Applied, Veba Oil Supply and Trading GmbH v Petrotrade Inc [2001] **1 Comm** 1051
 Distinguished, Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd [2001] **1 Comm** 1041
 Josef Mobius, Smit International (Deutschland) GmbH v. *See* Smit International (Deutschland) GmbH v Josef Mobius

K

K (a child) (secure accommodation order: right to liberty), Re [2001] **2** 719, CA
 K, R v. *See* R v K
 Kalmneft JSC v Glencore International AG [2001] **2 Comm** 577, QBD
 Kane v New Forest District Council [2001] **3** 914, CA
 Kaur (on the application of), R v Secretary of State for the Home Dept (JUSTICE intervening) (Case C-192/99).
See R (on the application of Kaur) v Secretary of State for the Home Dept (JUSTICE intervening) (Case C-192/99)
 KBC Bank v Industrial Steels (UK) Ltd [2001] **1 Comm** 409, QBD
 Kelly v BBC [2001] **1** 323, Fam D
 Khan v Chief Constable of West Yorkshire Police [2001] **4** 834, HL
 Khan v Miah [2001] **1** 20, [2001] **1 Comm** 282, HL
 Kingshott v Associated Kent Newspapers Ltd [1991] **2** 99, CA
 Considered, Alexander v Arts Council of Wales [2001] **4** 205
 KLM Royal Dutch Airlines, Morris v. *See* Morris v KLM Royal Dutch Airlines
 Knauf UK GmbH v British Gypsum Ltd [2001] **2 Comm** 332, QBD
 Reversed [2001] **2 Comm** 960, CA

Konsumentombudsmannen (KO) v Gourmet International Products AB (Case C-405/98) [2001] **EC** 308, ECJ
 Koshy, DEG-Deutsche Investitions und Entwicklungsgesellschaft mbH v. *See* DEG-Deutsche Investitions und
 Entwicklungsgesellschaft mbH v Koshy
 Krombach v Bamperski (Case C-7/98) [2001] **EC** 584, ECJ
 Kuddus v Chief Constable of Leicestershire Constabulary [2001] **3** 193, HL
 Kuwait Airways Corp v Iraqi Airways Co (No 3) [2000] **2 Comm** 360, QBD
 Reversed in part [2001] **1 Comm** 557, CA
 Leave to appeal given 1 May 2001, HL

L

L, C Inc plc v. *See* C Inc plc v L
 L (on the application of), R v Bicester Youth Court. *See* R (on the application of the DPP) v Redbridge
 L (on the application of), R v Liverpool City Magistrates' Court. *See* R (on the application of McCormick) v
 Liverpool City Magistrates' Court
 Ladd v Marshall [1954] **3** 745, CA
 Applied, Prentice v Hereward Housing Association [2001] **2 Comm** 900
 Lafarge Redland Aggregates Ltd (formerly Redland Aggregates Ltd) v Shephard Hill Civil Engineering Ltd
 [2001] **1** 34, HL
 Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1 Comm** 54, QBD
 Lambert, R v. *See* R v Lambert
 Lange v Georg Schünemann GmbH (Case C-350/99) [2001] **EC** 481, ECJ
 Laporte plc, LHS Holdings Ltd v. *See* LHS Holdings Ltd v Laporte plc
 Lavington International Ltd v The Nore Challenger and The Nore Commander (Bareboat Charterers)
 [2001] **2 Comm** 667, QBD
 Law Society v KPMG Peat Marwick (sued as KPMG Peat Marwick McLintock) [2000] **1** 515, Ch D
 Affirmed [2000] **4** 540, CA
 Leave to appeal refused 1 March 2001, HL
 Leadenhall Residential 2 Ltd, Stirling v. *See* Stirling v Leadenhall Residential 2 Ltd
 Leal, R v. *See* R v Benjafield
 Lee, Abbey National plc v. *See* Lloyds TSB General Insurance Holdings Ltd v Lloyds Bank Group Insurance Co Ltd
 Lee, Collings v. *See* Collings v Lee
 Leeds Magistrates' Court, R (on the application of Miller) v. *See* Gough v Chief Constable of the Derbyshire
 Constabulary
 Legal Services Commission, Levy v. *See* Levy v Legal Services Commission
 Lehtonen v Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Ligue Belge Belgische Liga
 ASBL, intervening) [2001] **EC** 97, ECJ
 Levez v T H Jennings (Harlow Pools) Ltd (Case C-326/96) [1999] **EC** 1, ECJ
 Applied, Preston v Wolverhampton Healthcare NHS Trust [2001] **3** 947
 Levy v Legal Services Commission [2001] **1** 895, CA
 Lewis v IRC [2001] **3** 499, CA
 Leave to appeal refused 25 April 2001, HL
 Lewis Silkin (a firm), Mortgage Corporation v. *See* Mortgage Corporation v Shaire
 LG Caltex Gas Co Ltd v China National Petroleum Corp [2001] **4** 875, [2001] **2 Comm** 97, CA
 Leave to appeal refused 16 November 2001, HL
 LHS Holdings Ltd v Laporte plc [2001] **2 Comm** 563, CA
 Lichniak (on the application of), R v Secretary of State for the Home Department. *See* R (on the application of
 Lichniak) v Secretary of State for the Home Dept
 Lichniak, R v. *See* R (on the application of Lichniak) v Secretary of State for the Home Dept
 Lilley v Director of Public Prosecutions. *See* Gough v Chief Constable of the Derbyshire Constabulary
 Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant), Eastgate Group Ltd v. *See* Eastgate
 Group Ltd v Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant)
 Linea Naviera Paramaconi SA v Abnormal Load Engineering Ltd [2001] **1 Comm** 946, QBD
 Lion Laboratories Ltd v Evans [1984] **2** 417, CA
 Considered, Ashdown v Telegraph Group Ltd [2001] **4** 666
 Lipkin Gorman (a firm) v Karpnale Ltd (1986) [1992] **4** 331, QBD
 Reversed in part [1992] **4** 409, CA
 Reversed in part [1992] **4** 512, HL
 Applied, Scottish Equitable plc v Derby [2000] **3** 793, [2001] **2 Comm** 119
 Liskojärvi, Oy Liikenne Ab v. *See* Oy Liikenne Ab v Liskojärvi (Case C-172/99)
 Lister v Hesley Hall Ltd [2001] **2** 769, HL
 Liverpool City Magistrates' Court, R (on the application of L) v. *See* R (on the application of McCormick) v
 Liverpool City Magistrates' Court
 Liverpool City Magistrates' Court, R (on the application of McCormick) v. *See* R (on the application of
 McCormick) v Liverpool City Magistrates' Court
 Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg [2001] **1** 182, Ch D
 Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg (No 2) [2001] **4** 950, Ch D
 Lloyds Bank Group Insurance Co Ltd, Lloyds TSB General Insurance Holdings Ltd v. *See* Lloyds TSB General
 Insurance Holdings Ltd v Lloyds Bank Group Insurance Co Ltd
 Lloyds TSB Bank plc, Meftah v. *See* Meftah v Lloyds TSB Bank plc
 Lloyds TSB General Insurance Holdings Ltd v Lloyds Bank Group Insurance Co Ltd [2001] **1 Comm** 13, QBD
 Lockwood, Re [1957] **3** 520, Ch D
 Distinguished, DWS (decd), Re [2001] **1** 97
 Lombard Tricity Finance Ltd v Paton [1989] **1** 918, CA
 Disapproved, Paragon Finance plc v Staunton [2001] **2 Comm** 1025
 London and Clydeside Estates Ltd v Aberdeen DC [1979] **3** 876, HL
 Dicta applied, A-G's Reference (No 3 of 1999) [2001] **1** 577
 London Stock Exchange Ltd, Money Markets International Stockbrokers Ltd (in liquidation) v. *See* Money
 Markets International Stockbrokers Ltd (in liq) v London Stock Exchange Ltd
 Looseley, R v. *See* R v Looseley
 Lord Advocate, McIntosh v. *See* McIntosh v Lord Advocate
 Lord Chancellor, Patten (t/a Anthony Patten & Co) v. *See* Patten (t/a Anthony Patten & Co) v Lord Chancellor

Lotus Cars Ltd v Southampton Cargo Handling plc [2000] **2 Comm** 705, CA
Leave to appeal refused 26 March 2001, HL
Loutchansky v Times Newspapers Ltd [2001] **4** 115, CA

M

M v DPP. *See* I v DPP
M (a minor) v Secretary of State for Social Security [2001] **4** 41, HL
M, NHS Trust A v. *See* NHS Trust A v M
McBains Cooper (a firm), Prudential Assurance Co Ltd v. *See* Prudential Assurance Co Ltd v McBains Cooper (a firm)
McCann (on the application of), R v Crown Court at Manchester. *See* R (on the application of McCann) v Crown Court at Manchester
McCormick (on the application of), R v Liverpool City Magistrates' Court. *See* R (on the application of McCormick) v Liverpool City Magistrates' Court
MacDonald v Ministry of Defence [2001] **1** 620, EAT
McFarlane v Tayside Health Board [1999] **4** 961, HL
 Considered, Parkinson v St James and Seacroft University Hospital NHS Trust [2001] **3** 97
McGrath v Chief Constable of the Royal Ulster Constabulary [2001] **4** 334, HL
Maciej Rataj, The (Case C-406/92) [1995] **EC** 229, ECJ
 Applied, Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1 Comm** 54
McIntosh v Lord Advocate [2001] **2** 638, PC
McLean Homes East Anglia Ltd, Hewlings v. *See* Hewlings v McLean Homes East Anglia Ltd
MacLean, Infantino v. *See* Infantino v MacLean
Macmillan Inc v Bishopsgate Investment Trust plc (No 3) [1995] **3** 747, Ch D
 Affirmed on other grounds [1996] **1** 585, CA
 Leave to appeal refused [1996] **1** xx, HL
 Applied, Raiffeisen Zentralbank Österreich AG v Five Star General Trading LLC [2001] **3** 257, [2001] **1 Comm** 961
MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd [2001] **1** 865, HL
McPhilemy v Times Newspapers Ltd (No 2) [2001] **4** 861, CA
 Leave to appeal refused 7 November 2001, HL
Mainwaring v Trustees of Henry Smith's Charity [1996] **2** 220, CA
 Leave to appeal refused [1996] **2** xix, HL
 Considered, R (on the application of Structadene Ltd) v Hackney London BC [2001] **2** 225
Malik v Bank of Credit and Commerce International SA (in liq) [1995] **3** 545, CA
 Reversed [1997] **3** 1, HL
 Considered, Johnson v Unisys Ltd [2001] **2** 801
Malmaison Hotel (Manchester) Ltd, Henry Boot Construction (UK) Ltd v. *See* Henry Boot Construction (UK) Ltd v Malmaison Hotel (Manchester) Ltd
Malone v Comr of Police of the Metropolis [1979] **1** 256, CA
 Disapproved, Costello v Chief Constable of Derbyshire Constabulary [2001] **3** 150
Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2 Comm** 193, CA
Mander v Evans [2001] **3** 811, Ch D
Manifest Shipping Co Ltd v Uni-Polaris Shipping Co Ltd [2001] **1** 743, [2001] **1 Comm** 193, HL
Mann v Lexington Insurance Co [2000] **2 Comm** 163, QBD
 Reversed [2001] **1 Comm** 28, CA
Marcic v Thames Water Utilities Ltd [2001] **3** 698, QBD
Marcic v Thames Water Utilities Ltd (No 2) [2001] **4** 326, QBD
Marek Lieberberg Konzertagentur GmbH, Definitely Maybe (Touring) Ltd v. *See* Definitely Maybe (Touring) Ltd v Marek Lieberberg Konzertagentur GmbH
Marimpex Mineraloel-Handelsgesellschaft MBH & Co KB v Cie de Gestion et D'Exploitation Ltd [2001] **1 Comm** 182, QBD
Mark One (Oxford Street) plc, Re [1999] **1** 608, Ch D
 Dictum not followed, UCT (UK) Ltd (in administration), Re [2001] **2** 186
Markfield Investments Ltd v Evans [2001] **2** 238, CA
Marks & Spencer plc, Vinos v. *See* Vinos v Marks & Spencer plc
Martin, Goode v. *See* Goode v Martin
Martins v Comrs of Customs and Excise. *See* Han v Comrs of Customs and Excise
Masterfoods Ltd v HB Ice Cream Ltd [2001] **EC** 130, ECJ
Masters v Brent London Borough [1978] **2** 664, QBD
 Considered, Delaware Mansions Ltd v Westminster City Council [2001] **4** 737
Maunsell v Olins [1974] **2** 250, CA
 Affirmed [1975] **1** 16, HL
 Considered, R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd [2001] **1** 195
Mayes, National Grid Co plc v. *See* National Grid Co plc v Mayes
Meade-King (a firm), Official Receiver v. *See* Pantmaenog Timber Co Ltd (in liquidation), Re
Meftah v Lloyds TSB Bank plc [2001] **2 Comm** 741, Ch D
Mellitus Shipping Inc, Petroleo Brasileiro SA v. *See* Petroleo Brasileiro SA v Mellitus Shipping Inc
Mercantile Group (Europe) AG v Aiyela [1994] **1** 110, CA
 Considered, C Inc plc v L [2001] **2 Comm** 446
Mercantile International Group plc v Chuan Soon Huat Industrial Group plc [2001] **2 Comm** 632, QBD
Mercedes-Benz AG v Leiduck [1995] **3** 929, PC
 Considered, C Inc plc v L [2001] **2 Comm** 446
 Followed, Cool Carriers AB v HSBC Bank USA [2001] **2 Comm** 177
Meriden Animal Health Ltd, Lafi Office and International Business SL v. *See* Lafi Office and International Business SL v Meriden Animal Health Ltd
Messier-Dowty Ltd v Sabena SA (No 2) [2001] **1** 275, [2000] **1 Comm** 833, CA
Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] **EC** 496, ECJ
Metro Trading Inc, Glencore International AG v. *See* Glencore International AG v Metro Trading Inc
MGN Ltd, Ashworth Hospital Authority v. *See* Ashworth Hospital Authority v MGN Ltd
Miah, Khan v. *See* Khan v Miah

Micado Shipping Ltd (Malta) (No 2), BS & N Ltd (BVI) v. *See* BS & N Ltd (BVI) v Micado Shipping Ltd (Malta) (No 2)

Michael Gerson (Leasing) Ltd v Wilkinson [2001] **1** 148, [2000] **2 Comm** 890, CA

Middlesbrough BC v Saefer [2001] **4** 630, QBD DC

Midland Bank plc v Laker Airways Ltd [1986] **1** 526, CA

Considered, Messier-Dowty Ltd v Sabena SA (No 2) [2001] **1** 275, [2000] **1 Comm** 833

Midland Bank plc, Fletcher v. *See* Preston v Wolverhampton Healthcare NHS Trust

Milford, R v. *See* R v Benjafield

Millensted v Grosvenor House (Park Lane) Ltd [1937] **1** 736, CA

Considered, Compagnie Noga D'Importation et D'Exportation SA v Abacha [2001] **3** 513

Miller Construction Ltd v James Moore Earthmoving [2001] **2 Comm** 598, CA

Miller (James) and Partners Ltd v Whitworth Street Estates (Manchester) Ltd [1969] **2** 210, CA

Reversed [1970] **1** 796, HL

Distinguished, Dubai Islamic Bank PJSC v Paymentech Merchant Services Inc [2001] **1 Comm** 514

Miller (on the application of), R v Leeds Magistrates' Court. *See* Gough v Chief Constable of the Derbyshire Constabulary

Milroy v Lord [1861-73] 783, CA in Ch

Distinguished, Choithram (T) International SA v Pagarani [2001] **2** 492

Mineral Dampier (owners and/or demise charterers) v Hanjin Madras (owners and/or demise charterers) [2000] **1 Comm** 870, QBD

Affirmed [2001] **2 Comm** 805, CA

Ministère de l'Agriculture et de la Pêche (Case C-6/99), Association Greenpeace France v. *See* Association Greenpeace France v Ministère de l'Agriculture et de la Pêche (Case C-6/99)

Ministère de l'Économie, des Finances et de l'Industrie (Case C-108/00), Syndicat des Producteurs Indépendants v. *See* Syndicat des Producteurs Indépendants v Ministère de l'Économie, des Finances et de l'Industrie (Case C-108/00)

Ministry of Defence, MacDonald v. *See* MacDonald v Ministry of Defence

Mobil North Sea Ltd v PJ Pipe & Valve Co (t/a PJ Valves or PJ Valve Ltd) [2001] **2 Comm** 289, CA

Mobil North Sea Ltd, Aktieselskabet Dampskibsselskabet Svendorg v. *See* Aktieselskabet Dampskibsselskabet Svendorg v Mobil North Sea Ltd

Moisejevs, Jephson Homes Housing Association v. *See* Jephson Homes Housing Association v Moisejevs

Money Markets International Stockbrokers Ltd (in liq) v London Stock Exchange Ltd [2001] **4** 223, [2001] **2 Comm** 344, Ch D

Montrod Ltd v Grundkötter Fleischvertriebs-GmbH [2001] **1 Comm** 368, QBD

Morgan Grenfell & Co Ltd (on the application of), R v Special Comr. *See* R (on the application of Morgan Grenfell & Co Ltd) v Special Comr

Morgans v DPP [2000] **2** 522, HL

Considered, R v P [2001] **2** 58

Morris v C W Martin & Sons Ltd [1965] **2** 725, CA

Applied, Lister v Hesley Hall Ltd [2001] **2** 769

Morris v Comrs of Customs and Excise. *See* Han v Comrs of Customs and Excise

Morris v KLM Royal Dutch Airlines [2001] **3** 126, [2001] **2 Comm** 153, CA

Mortgage Corporation v Lewis Silkin (a firm). *See* Mortgage Corporation v Shaire

Mortgage Corporation v Shaire [2001] **4** 364, Ch D

Mortgage Express v Robson [2001] **2 Comm** 886, CA

Mouat v DPP. *See* R (on the application of Ebrahim) v Feltham Magistrates' Court

Mount Carmel Investments Ltd v Peter Thurlow Ltd [1988] **3** 129, CA

Considered, Markfield Investments Ltd v Evans [2001] **2** 238

Mousaka Inc v Golden Seagull Maritime Inc [2001] **2 Comm** 794, QBD

M/S Alghanim Industries Inc v Skandia International Insurance Corp [2001] **2 Comm** 30, QBD

Murrell v Healy [2001] **4** 345, CA

N

Nangleman v Royal Free Hampstead NHS Trust [2001] **3** 793, CA

Nash, Paragon Finance plc v. *See* Paragon Finance plc v Staunton

National Blood Authority, A v. *See* A v National Blood Authority

National Grid Co plc v Mayes [2001] **2** 417, HL

National Power plc, Young v. *See* Young v National Power plc

National Westminster Bank v Utrecht-America Finance Co [2001] **3** 733, [2001] **2 Comm** 7, CA

Leave to appeal refused 16 November 2001, HL

National Westminster Bank plc v Morgan [1983] **3** 85, CA

Reversed [1985] **1** 821, HL

Considered, Royal Bank of Scotland plc v Etridge (No 2) [2001] **4** 449, [2001] **2 Comm** 1061

National Westminster Bank plc v Powney [1990] **2** 416, CA

Dictum applied, Duer v Frazer [2001] **1** 249

NBM LLC, Bank of China v. *See* Bank of China v NBM LLC

Neste Markkinointi Oy v Yötuuli Ky [2001] **EC** 76, ECJ

New Forest District Council, Kane v. *See* Kane v New Forest District Council

New Hampshire Insurance Co, HIH Casualty & General Insurance Ltd v. *See* HIH Casualty & General Insurance Ltd v New Hampshire Insurance Co

Newfields Developments Ltd, ex p, R v IRC. *See* R v IRC, ex p Newfields Developments Ltd

News Group Newspapers Ltd, Grobbelaar v. *See* Grobbelaar v News Group Newspapers Ltd

News Group Newspapers Ltd, Venables v. *See* Venables v News Group Newspapers Ltd

Newspaper Licensing Agency Ltd v Marks and Spencer plc [2000] **4** 239, CA

Affirmed [2001] **3** 977, HL

NHS Trust A v M [2001] **1** 801, Fam D

NHS Trust B v H. *See* NHS Trust A v M

Norris, Re [2001] **3** 961, HL

Northern Leisure plc v Schofield [2001] **1** 660, QBD

Norwich Pharmacal Co v Customs and Excise Comrs [1972] **1** 972, Ch D

Reversed [1972] **3** 813, CA

Reversed [1973] **2** 943, HL

Considered, Ashworth Hospital Authority v MGN Ltd [2001] **1** 991

Norwich Union Insurance Ltd, *Hayward v. See Hayward v Norwich Union Insurance Ltd*
 Nottingham City Council v Amin [2000] **2** 946, QBD
 Considered, *R v Looseley* [2001] **4** 897
 Nottingham Forest plc, CAS (Nominees) Ltd v. *See CAS (Nominees) Ltd v Nottingham Forest plc*
 Nykredit Mortgage Bank plc v Edward Erdman Group Ltd (No 2) [1998] **1** 305, HL
 Followed, *Eastgate Group Ltd v Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant)*
 [2001] **2** **Comm** 1050

O

O (disclosure order), *Re* [1991] **1** 330, CA
 Applied, *United States Government v Montgomery (Montgomery, third party)* [2001] **1** 815
 Oakley, Birmingham City Council v. *See Birmingham City Council v Oakley*
 Oasis Merchandising Services Ltd (in liq), *Re* [1997] **1** 1009, CA
 Leave to appeal refused [1997] **3** xvi, HL
 Applied, *Lewis v IRC* [2001] **3** 499
 Oberösterreichische Landesregierung, Wein & Co Handelsges mbH v. *See Evangelischer Krankenhausverein*
Wien v Abgabenberufungskommission Wien
 Offen, *R v. See R v Offen*
 Official Receiver v Meade-King (a firm). *See Pantmaenog Timber Co Ltd (in liquidation), Re*
 Official Receiver v Stern [2001] **1** 633, Ch D & CA
 Official Receiver, Ebert v. *See Ebert v Official Receiver*
 Okta Crude Oil Refinery AD, Mamidoil-Jetoil Greek Petroleum Co SA v. *See Mamidoil-Jetoil Greek Petroleum*
Co SA v Okta Crude Oil Refinery AD
 On Demand Information plc (in administrative receivership) v Michael Gerson (Finance) plc [1999] **2** 811,
 [1999] **1** **Comm** 512, Ch D
 Affirmed [2000] **4** 734, [2000] **2** **Comm** 513, CA
 Leave to appeal given 11 June 2001, HL
 Ord v Upton (as trustee to the property of Ord) [2000] **1** 193, CA
 Distinguished, *Cork (as trustee in bankruptcy for Rawlins) v Rawlins* [2001] **4** 50
 Owens Corning, XL Insurance Ltd v. *See XL Insurance Ltd v Owens Corning*
 Owners and/or demise charterers of the Spirit, Owners of the Sitarem v. *See Sitarem (owners) v Spirit*
 (owners and/or demise charterers)
 Oxford Forecasting Services Ltd, City Alliance Ltd v. *See City Alliance Ltd v Oxford Forecasting Services Ltd*
 Oy Liikenne Ab v Liskojärvi (Case C-172/99) [2001] **EC** 544, ECJ

P

P & B (Run-Off) Ltd v Woolley [2001] **1** **Comm** 1120, QBD
 P, *R v. See R v P*
 Pagarani, Choithram (T) International SA v. *See Choithram (T) International SA v Pagarani*
 Pagnan (R) & Fratelli v Corbisa Industrial Agropacuaría Ltda [1971] **1** 165, CA
 Distinguished, *Mobil North Sea Ltd v PJ Pipe & Valve Co (t/a PJ Valves or PJ Valve Ltd)* [2001] **2** **Comm** 289
 PaineWebber Inc, Profiliati Italia SRL v. *See Profiliati Italia SRL v PaineWebber Inc*
 Pal Pak Corrugated Ltd, Russell v. *See Callery v Gray*
 Pantmaenog Timber Co Ltd (in liquidation), *Re* [2001] **4** 588, CA
 Paragon Finance plc v Nash. *See Paragon Finance plc v Staunton*
 Paragon Finance plc v Staunton [2001] **2** **Comm** 1025, CA
 Parkinson v St James and Seacroft University Hospital NHS Trust [2001] **3** 97, CA
 Patten (t/a Anthony Patten & Co) v Lord Chancellor [2001] **3** 886, QBD
 Paymentech Merchant Services Inc, Dubai Islamic Bank PJSC v. *See Dubai Islamic Bank PJSC v Paymentech*
Merchant Services Inc
 Peacock v Custins [2001] **2** 827, CA
 Pemberton v Southwark London BC [2000] **3** 924, CA
 Leave to appeal refused [2001] **1** xix, HL
 Pensions Ombudsman, Royal Masonic Hospital v. *See Royal Masonic Hospital v Pensions Ombudsman*
 Pepper (Inspector of Taxes) v Hart [1991] **2** 824, CA
 Reversed [1993] **1** 42, HL
 Considered, *R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd*
 [2001] **1** 195
 Percy v DPP [1995] **3** 124, QBD
 Distinguished, *B v Chief Constable of the Avon and Somerset Constabulary* [2001] **1** 562
 Peter H Dodson Insurance Services (a firm), Dodson v. *See Dodson v Peter H Dodson Insurance Services (a firm)*
 Peter Lindsay Leisure Ltd, Bonner-Williams v. *See Bonner-Williams v Peter Lindsay Leisure Ltd*
 Petroleo Brasileiro SA v Mellitus Shipping Inc [2001] **1** **Comm** 993, CA
 Petrotrade Inc v Texaco Ltd [2001] **4** 853, CA
 Applied, *McPhilemy v Times Newspapers Ltd (No 2)* [2001] **4** 861
 Petrotrade Inc, Veba Oil Supply and Trading GmbH v. *See Veba Oil Supply and Trading GmbH v Petrotrade Inc*
 Phillips v Brewin Dolphin Bell Lawrie Ltd [1999] **2** 844, CA
 Affirmed on other grounds [2001] **1** 673, HL
 Pittalis v Sherefettin [1986] **2** 227, CA
 Considered, *Compagnie Noga D'Importation et D'Exportation SA v Abacha* [2001] **3** 513
 PJ Pipe & Valve Co (t/a PJ Valves or PJ Valve Ltd), Mobil North Sea Ltd v. *See Mobil North Sea Ltd v PJ Pipe &*
Valve Co (t/a PJ Valves or PJ Valve Ltd)
 Plane Trucking Ltd, Quantum Corp Ltd v. *See Quantum Corp Ltd v Plane Trucking Ltd*
 Plender, Hyams v. *See Hyams v Plender*
 Plum v Allgemeine Ortskrankenkasse Rheinland, Regionaldirektion Köln (Case C-404/98) [2001] **EC** 240, ECJ
 Pope, Chelsea Yacht and Boat Co Ltd v. *See Chelsea Yacht and Boat Co Ltd v Pope*
 Poplar Housing and Regeneration Community Association Ltd v Donoghue [2001] **4** 604, CA
 Post Office v Foley [2001] **1** 550, CA

Powerstore (Trading) Ltd, Re [1998] **1** 121, Ch D
 Not followed, UCT (UK) Ltd (in administration), Re [2001] **2** 186
 Practice Note [2001] **3** 479, CA
 Prentice v Hereward Housing Association [2001] **2 Comm** 900, CA
 Preston v Wolverhampton Healthcare NHS Trust [1998] **1** 528, HL
 Distinguished, Young v National Power plc [2001] **2** 339
 Preston v Wolverhampton Healthcare NHS Trust [2001] **3** 947, HL
 PreussenElektra AG v Schlesweg AG (Windpark Reußenköge III GmbH intervening) (Case C-379/98) [2001] **EC** 330, ECJ
 Primback Ltd (Case C-34/99), Customs and Excise Commissioners v. See Customs and Excise Comrs v Primback Ltd (Case C-34/99)
 Profilati Italia SRL v PaineWebber Inc [2001] **1 Comm** 1065, QBD
 Proulx, ex p, R v Bow Street Magistrates' Court. See Proulx, Re
 Proulx, Re [2001] **1** 57, QBD
 Leave to appeal refused 14 March 2001, HL
 Considered, Saifi, Re [2001] **4** 168
 Prudential Assurance Co Ltd v McBains Cooper (a firm) [2001] **3** 1014, CA
 Prudential Assurance Co Ltd v Newman Industries Ltd (No 2) [1980] **2** 841, Ch D
 Reversed in part [1982] **1** 354, CA
 Considered, Johnson v Gore Wood & Co (a firm) [2001] **1** 481
 Punch Ltd, A-G v. See A-G v Punch Ltd
 Pyrah (on the application of), R v Secretary of State for the Home Department. See R (on the application of Lichniak) v Secretary of State for the Home Dept
 Pyrah, R v. See R (on the application of Lichniak) v Secretary of State for the Home Dept

Q

QBE International Insurance Ltd, AIG Europe SA v. See AIG Europe SA v QBE International Insurance Ltd
 Quantum Corp Ltd v Plane Trucking Ltd [2001] **1 Comm** 916, QBD
 Quintavalle (on the application of), R v Secretary of State for Health. See R (on the application of Quintavalle) v Secretary of State for Health

R

R v A [2001] **3** 1, HL
 R v Ali. See R v Lambert
 R v Allen (No 2) [2001] **4** 768, HL
 R v Benjafield [2001] **2** 609, CA
 Leave to appeal given 4 April 2001, HL
 Approved in part, McIntosh v Lord Advocate [2001] **2** 638
 Disapproved in part, McIntosh v Lord Advocate [2001] **2** 638
 R v Bow Street Magistrates' Court, ex p Proulx. See Proulx, Re
 R v Broadcasting Standards Commission, ex p BBC (Liberty intervening) [2000] **3** 989, CA
 Leave to appeal refused 8 February 2001, HL
 R v Buckland [2000] **1** 907, CA
 Considered, R v Offen [2001] **2** 154
 R v Central Criminal Court, ex p Abu-Wardeh [1997] **1** 159, QBD
 Considered, R (on the application of Eliot) v Crown Court at Reading [2001] **4** 625
 R v Central Criminal Court, ex p Alton. See R v Central Criminal Court, ex p Bright
 R v Central Criminal Court, ex p Bright [2001] **2** 244, QBD
 R v Central Criminal Court, ex p Rusbridger. See R v Central Criminal Court, ex p Bright
 R v Chalkley [1998] **2** 155, CA
 Leave to appeal refused [1998] **3** xix, HL
 Disapproved, R v Togher [2001] **3** 463
 R v Chief Constable of the Avon and Somerset Constabulary, ex p Robinson [1989] **2** 15, QBD
 Approved, R (on the application of Thompson) v Chief Constable of the Northumbria Constabulary [2001] **4** 354
 R v City of Westminster Housing Benefit Review Board, ex p Mehanne [1999] **2** 317, CA
 Affirmed [2001] **2** 690, HL
 R v Criminal Injuries Compensation Appeals Panel, ex p August [2001] **2** 874, CA
 R v Criminal Injuries Compensation Appeals Panel, ex p Brown. See R v Criminal Injuries Compensation Appeals Panel, ex p August
 R v Criminal Injuries Compensation Board, ex p Warner [1985] **2** 1069, QBD
 Affirmed [1986] **2** 478, CA
 Considered, R v Criminal Injuries Compensation Appeals Panel, ex p August [2001] **2** 874
 R v Crown Court at Leeds, ex p Wardle [2001] **2** 1, HL
 R v Crown Court at Manchester, ex p McDonald [1999] **1** 805, QBD
 Leave to appeal refused 23 March 1999, HL
 Considered, R (on the application of Eliot) v Crown Court at Reading [2001] **4** 625
 R v Crown Court at Stafford, ex p Shipley [1998] **2** 465, CA
 Distinguished, Northern Leisure plc v Schofield [2001] **1** 660
 R v Dimsey (No 2) [2001] **4** 786, HL
 R v DPP, ex p Kebeline [1999] **4** 801, QBD and HL
 Applied, R v Lambert [2001] **1** 1014
 Followed, R v Benjafield [2001] **2** 609
 R v Forbes [2001] **1** 686, HL
 R v Forbes [2001] **4** 97, HL
 R v Governor of Brixton Prison, ex p Levin [1996] **4** 350, QBD
 Affirmed [1997] **3** 289, HL
 Dicta applied, Proulx, Re [2001] **1** 57
 R v Governor of Pentonville Prison, ex p Osman [1989] **3** 701, QBD
 Applied, Proulx, Re [2001] **1** 57
 Considered, Al-Fawwaz, Re [2001] **4** 149

R v Hertfordshire CC, ex p Green Environmental Industries Ltd [2000] **1** 773, HL
 Considered, R v Central Criminal Court, ex p Bright [2001] **2** 244

R v Hussain [1969] **2** 1117, CA
 Applied, R v Forbes [2001] **4** 97

R v Immigration Appeal Tribunal, ex p Jeyeanthan [1999] **3** 231, CA
 Applied, A-G's Reference (No 3 of 1999) [2001] **1** 577

R v Inner London North Coroner, ex p Touche [2001] **2** 752, CA

R v IRC, ex p Newfields Developments Ltd [2001] **4** 400, HL

R v IRC, ex p Taylor (No 2) [1989] **3** 353, QBD
 Affirmed [1990] **2** 409, CA
 Considered, R (on the application of Morgan Grenfell & Co Ltd) v Special Comr [2001] **1** 535

R v Jordan. See R v Lambert

R v K [2001] **3** 897, HL

R v Kelly [1999] **2** 13, CA
 Leave to appeal refused [1999] **3** xix, HL
 Considered, R v Offen [2001] **2** 154

R v Lambert [2001] **1** 1014, CA
 Affirmed on different grounds [2001] **3** 577, HL

R v Lanyon [1861-73] 165
 Applied, B v Chief Constable of the Avon and Somerset Constabulary [2001] **1** 562

R v Latif [1996] **1** 353, HL
 Considered, R v Looseley [2001] **4** 897

R v Leal. See R v Benjafield

R v Lichniak. See R (on the application of Lichniak) v Secretary of State for the Home Dept

R v Liverpool City Magistrates' Court, ex p DPP [1992] **3** 249, QBD
 Approved, R (on the application of the DPP) v Havering Magistrates' Court [2001] **3** 997

R v Local Comr for Administration in North and North East England, ex p Liverpool City Council [1999] **3** 85, QBD
 Affirmed [2001] **1** 462, CA

R v Looseley [2001] **4** 897, HL

R v Milford. See R v Benjafield

R v Miller (Raymond) [1983] **3** 186, QBD
 Applied, R (on the application of McCormick) v Liverpool City Magistrates' Court [2001] **2** 705

R v North Humberside and Scunthorpe Coroner, ex p Jamieson [1994] **3** 972, CA
 Leave to appeal refused [1994] **4** xix, HL
 Applied, R v Inner London North Coroner, ex p Touche [2001] **2** 752

R v Offen [2001] **2** 154, CA

R v Oxfordshire CC, ex p Sunningwell Parish Council [1999] **3** 385, HL
 Considered, R (on the application of Beresford) v Sunderland City Council [2001] **4** 565

R v P [2001] **2** 58, HL

R v Pembrokehire CC, ex p Coker [1999] **4** 1007, QBD
 Considered, R (on the application of Structadene Ltd) v Hackney London BC [2001] **2** 225

R v Poplar Coroner, ex p Thomas [1993] **2** 381, CA
 Considered, R v Inner London North Coroner, ex p Touche [2001] **2** 752

R v Preston [1993] **4** 638, HL
 Considered, R v P [2001] **2** 58

R v Pyrah. See R (on the application of Lichniak) v Secretary of State for the Home Dept

R v Rezvi. See R v Benjafield

R v Richmond London BC, ex p Watson [2001] **1** 436, CA
 Leave to appeal given 7 June 2001, HL

R v Secretary of State for Health, ex p Imperial Tobacco Ltd [2000] **1** 572, CA
 No order made on appeal [2001] **1** 850, HL

R v Secretary of State for Social Security, ex p Sutton (Case C-66/95) [1997] **EC** 497, ECJ
 Distinguished, Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] **EC** 496

R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd [2000] **1** 884, CA
 Reversed [2001] **1** 195, HL

R v Secretary of State for the Home Dept, ex p Adan [1999] **4** 774, CA
 Affirmed [2001] **1** 593, HL

R v Secretary of State for the Home Dept, ex p Daly [2001] **3** 433, HL
 Considered, Gough v Chief Constable of the Derbyshire Constabulary [2001] **4** 289

R v Secretary of State for the Home Dept, ex p Gunn [2001] **3** 481, CA

R v Secretary of State for the Home Dept, ex p Shingara (Joined cases C-65/95 and C-111/95) [1997] **EC** 577, ECJ
 Considered, R (on the application of Yiadom) v Secretary of State for the Home Dept (Case C-357/98) [2001] **EC** 267

R v Secretary of State for the Home Dept, ex p Simms [1998] **2** 491, CA
 Reversed [1999] **3** 400, HL
 Disapproved, R v Secretary of State for the Home Dept, ex p Daly [2001] **3** 433

R v Secretary of State for the Home Dept, ex p Turgut [2001] **1** 719, CA
 Leave to appeal given 28 November 2000, HL

R v Secretary of State for the Home Dept, ex p Venables [1997] **1** 327, CA
 Affirmed [1997] **3** 97, HL
 Considered, R (on the application of Bulger) v Secretary of State for the Home Dept [2001] **3** 449

R v Secretary of State for Trade and Industry, ex p Eastaway [2001] **1** 27, HL

R v Sharp [1957] **1** 577, CCA
 Considered, I v DPP [2001] **2** 583

R v Togher [2001] **3** 463, CA

R v Warrington Crown Court, ex p RBNB (a company) [2001] **2** 851, CA
 Leave to appeal given 7 June 2001, HL

R v Weir [2001] **2** 216, HL

R (on the application of Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions [2001] **2** 929, QBD and HL

R (on the application of Balbo B & C Auto Transporti Internazionali) v Secretary of State for the Home Dept [2001] **4** 423, QBD DC

R (on the application of Barkoci) v Secretary of State for the Home Dept [2001] **EC** 903, ECJ

R (on the application of Beresford) v Sunderland City Council [2001] **4** 565, CA

R (on the application of Bulger) v Secretary of State for the Home Dept [2001] **3** 449, QBD DC

R (on the application of Ebrahim) v Feltham Magistrates' Court [2001] **1** 831, QBD

R (on the application of Eliot) v Crown Court at Reading [2001] **4** 625, QBD DC

R (on the application of First Corporate Shipping Ltd) v Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening) [2001] **EC** 177, ECJ

R (on the application of Fleurose) v Securities and Futures Authority Ltd [2001] **2 Comm** 481, QBD

R (on the application of IRC) v Crown Court at Kingston [2001] **4** 721, QBD DC

R (on the application of Jet Services Ltd) v Civil Aviation Authority [2001] **2 Comm** 769, CA

R (on the application of Kaur) v Secretary of State for the Home Dept (JUSTICE intervening) (Case C-192/99) [2001] **EC** 250, ECJ

R (on the application of Lichniak) v Secretary of State for the Home Dept [2001] **4** 934, QBD and CA
Leave to appeal given 1 November 2001, HL

R (on the application of L) v Bicester Youth Court. *See* R (on the application of the DPP) v Redbridge Youth Court

R (on the application of L) v Liverpool City Magistrates' Court. *See* R (on the application of McCormick) v Liverpool City Magistrates' Court

R (on the application of McCann) v Crown Court at Manchester [2001] **4** 264, CA
Considered, Gough v Chief Constable of the Derbyshire Constabulary [2001] **4** 289

R (on the application of McCormick) v Liverpool City Magistrates' Court [2001] **2** 705, QBD

R (on the application of McKeown) v Wirral Borough Magistrates' Court. *See* R (on the application of the DPP) v Havering Magistrates' Court

R (on the application of Miller) v Leeds Magistrates' Court. *See* Gough v Chief Constable of the Derbyshire Constabulary

R (on the application of Morgan Grenfell & Co Ltd) v Special Comr [2001] **1** 535, QBD

R (on the application of Pyrah) v Secretary of State for the Home Department. *See* R (on the application of Lichniak) v Secretary of State for the Home Dept

R (on the application of Quintavalle) v Secretary of State for Health [2001] **4** 1013, QBD

R (on the application of Saadi) v Secretary of State for the Home Dept [2001] **4** 961, QBD

R (on the application of Structadene Ltd) v Hackney London BC [2001] **2** 225, QBD

R (on the application of the Broadcasting, Entertainment, Cinematographic and Theatre Union) v Secretary of State for Trade and Industry (Case C-173/99) [2001] **EC** 647, ECJ

R (on the application of the DPP) v Havering Magistrates' Court [2001] **3** 997, QBD

R (on the application of the DPP) v Redbridge Youth Court [2001] **4** 411, QBD DC

R (on the application of the Secretary of State for the Home Dept) v Immigration Appeal Tribunal [2001] **4** 430, QBD

R (on the application of Thompson) v Chief Constable of the Northumbria Constabulary [2001] **4** 354, CA

R (on the application of Toth) v Solicitors Disciplinary Tribunal [2001] **3** 180, QBD

R (on the application of Viadom) v Secretary of State for the Home Dept (Case C-357/98) [2001] **EC** 267, ECJ

Radio Design TJ AB, Capital Trust Investments Ltd v. *See* Capital Trust Investments Ltd v Radio Design TJ AB

Raiffeisen Zentralbank Österreich AG v Five Star General Trading LLC [2000] **1 Comm** 897, QBD
Affirmed in part [2001] **3** 257, [2001] **1 Comm** 961, CA

Rall v Hume [2001] **3** 248, CA

Ramsay (W T) Ltd v IRC [1978] **2** 321, Ch D
Reversed [1979] **3** 213, CA
Affirmed [1981] **1** 865, HL
Explained, MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd [2001] **1** 865

Rawlins, Cork (as trustee in bankruptcy for Rawlins) v. *See* Cork (as trustee in bankruptcy for Rawlins) v Rawlins

RBNB (a company), ex p, R v Warrington Crown Court. *See* R v Warrington Crown Court, ex p RBNB (a company)

Redbridge Youth Court, R (on the application of the DPP) v. *See* R (on the application of the DPP) v Redbridge Youth Court

Rena K, The [1979] **1** 397, QBD
Applied, Delos (cargo owners) v Delos Shipping Ltd [2001] **1 Comm** 763

Reynolds v Times Newspapers Ltd [1998] **3** 961, CA
Affirmed [1999] **4** 609, HL
Applied, Grobbelaar v News Group Newspapers Ltd [2001] **2** 437
Considered, Loutchansky v Times Newspapers Ltd [2001] **4** 115

Rezvi, R v. *See* R v Benjafield

Richmond London BC, R v, ex p Watson. *See* R v Richmond London BC, ex p Watson

Robson, Mortgage Express v. *See* Mortgage Express v Robson

Rogerson v Scottish Automobile and General Ins Co Ltd [1931] 606, HL
Considered, Dodson v Peter H Dodson Insurance Services (a firm) [2001] **3** 75, [2001] **1 Comm** 300

Rookes v Barnard [1961] **2** 825, QBD
Reversed [1962] **2** 579, CA
Reversed in part [1964] **1** 367, HL
Considered, Kuddus v Chief Constable of Leicestershire Constabulary [2001] **3** 193

Rose v Plenty [1976] **1** 97, CA
Applied, Lister v Hesley Hall Ltd [2001] **2** 769

Rosen v Trustees of Camden Charities [2001] **2** 399, CA
Leave to appeal refused 26 March 2001, HL

Royal Bank of Scotland plc v Etridge (No 2) [1998] **4** 705, CA
Reversed in part [2001] **4** 449, [2001] **2 Comm** 1061, HL
Applied, Barclays Bank plc v Goff [2001] **2 Comm** 847

Royal Bank of Scotland plc (No 2), Turner v. *See* Turner v Royal Bank of Scotland plc (No 2)

Royal Free Hampstead NHS Trust, Nangleman v. *See* Nangleman v Royal Free Hampstead NHS Trust

Royal Masonic Hospital v Pensions Ombudsman [2001] **3** 408, Ch D

Royal Society for the Prevention of Cruelty to Animals v A-G [2001] **3** 530, Ch D

Rusbridger, ex p, R v Central Criminal Court. *See* R v Central Criminal Court, ex p Bright

Russell v Pal Pak Corrugated Ltd. *See* Callery v Gray

Russell Williams (Textiles) Ltd, Designers Guild Ltd v. *See* Designers Guild Ltd v Russell Williams (Textiles) Ltd

Ruta (owners), Carbonnade (owners) v. *See* Carbonnade (owners) v Ruta (owners)

Ruta (owners), Harding (owner of the Lutra II) v. *See* Carbonnade (owners) v Ruta (owners)

Ruxley Electronics and Construction Ltd v Forsyth [1994] **3** 801, CA
Reversed [1995] **3** 268, HL
Applied, Farley v Skinner [2001] **4** 801

S

- S (a child) (Family Division: without notice orders), Re [2001] **1** 362, Fam D
- Saadi (on the application of), R v Secretary of State for the Home Department. *See* R (on the application of Saadi) v Secretary of State for the Home Dept
- Sabena SA, Messier-Dowty Ltd v (No 2). *See* Messier-Dowty Ltd v Sabena SA (No 2)
- SAFA Ltd v Banque Du Caire [2000] **2 Comm** 567, CA
- Leave to appeal refused 26 March 2001, HL
- Safeer, Middlesbrough BC v. *See* Middlesbrough BC v Safeer
- Safeway Stores plc v Tate [2001] **4** 193, CA
- Explained, Alexander v Arts Council of Wales [2001] **4** 205
- Saifi, Re [2001] **4** 168, QBD DC
- St James and Seacroft University Hospital NHS Trust, Parkinson v. *See* Parkinson v St James and Seacroft University Hospital NHS Trust
- Salt, Silverburn Finance (UK) Ltd v. *See* Silverburn Finance (UK) Ltd v Salt
- Sandhu, GMAC Commercial Credit Development Ltd v. *See* GMAC Commercial Credit Development Ltd v Sandhu
- Sarrio SA v Kuwait Investment Authority [1997] **4** 929, HL
- Considered, Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1 Comm** 54
- Sarwar v Alam [2001] **4** 541, CA
- Scales Trading Ltd, Far Eastern Shipping Co Public Ltd v. *See* Far Eastern Shipping Co Public Ltd v Scales Trading Ltd
- Scammell v Ouston [1940] **1** 59, CA
- Reversed [1941] **1** 14, HL
- Considered, Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2 Comm** 193
- Scherer v Counting Instruments Ltd (1977) [1986] **2** 529, CA
- Distinguished, Henry Boot Construction (UK) Ltd v Malmaison Hotel (Manchester) Ltd [2001] **1** 257, [2000] **2 Comm** 960
- Schlesweg AG, PreussenElektra AG v (Windpark Reußenköge III GmbH intervening) (Case C-379/98). *See* PreussenElektra AG v Schlesweg AG (Windpark Reußenköge III GmbH intervening) (Case C-379/98)
- Schofield, Northern Leisure plc v. *See* Northern Leisure plc v Schofield
- Schtraks v Government of Israel [1962] **2** 176, QBD
- Affirmed [1962] **3** 529, HL
- Considered, Al-Fawwaz, Re [2001] **4** 149
- Schuler (L) AG v Wickman Machine Tool Sales Ltd [1972] **2** 1173, CA
- Affirmed [1973] **2** 39, HL
- Applied, Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2) [2001] **2 Comm** 299
- SCI (Sales Curve Interactive) Ltd v Titus SARL [2001] **2 Comm** 416, CA
- Scottish Equitable plc v Derby [2000] **3** 793, [2001] **2 Comm** 119, QBD
- Affirmed [2001] **3** 818, [2001] **2 Comm** 274, CA
- Seaflower (The). *See* BS & N Ltd (BVI) v Micado Shipping Ltd (Malta) (No 2)
- Seawind Tankers Corp, Bayoil SA v. *See* Bayoil SA v Seawind Tankers Corp
- Secretary of State for Health, R (on the application of Quintavalle) v. *See* R (on the application of Quintavalle) v Secretary of State for Health
- Secretary of State for Social Security, M (a minor) v. *See* M (a minor) v Secretary of State for Social Security
- Secretary of State for the Environment, Transport and the Regions, R (on the application of Alconbury Developments Ltd) v. *See* R (on the application of Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions
- Secretary of State for the Environment, Transport and the Regions, Trevelyan v. *See* Trevelyan v Secretary of State for the Environment, Transport and the Regions
- Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening), R (on the application of First Corporate Shipping Ltd) v. *See* R (on the application of First Corporate Shipping Ltd) v Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening)
- Secretary of State for the Home Department, ex p Daly, R v. *See* R v Secretary of State for the Home Dept, ex p Daly
- Secretary of State for the Home Department, ex p Gunn, R v. *See* R v Secretary of State for the Home Dept, ex p Gunn
- Secretary of State for the Home Department (on the application of), R v Immigration Appeal Tribunal. *See* R (on the application of the Secretary of State for the Home Dept) v Immigration Appeal Tribunal
- Secretary of State for the Home Department, R (on the application of Balbo B & C Auto Trasporti Internazionali) v. *See* R (on the application of Balbo B & C Auto Trasporti Internazionali) v Secretary of State for the Home Dept
- Secretary of State for the Home Department, R (on the application of Barkoci) v. *See* R (on the application of Barkoci) v Secretary of State for the Home Dept
- Secretary of State for the Home Department, R (on the application of Bulger) v. *See* R (on the application of Bulger) v Secretary of State for the Home Dept
- Secretary of State for the Home Department, R (on the application of Lichniak) v. *See* R (on the application of Lichniak) v Secretary of State for the Home Dept
- Secretary of State for the Home Department, R (on the application of Pyrah) v. *See* R (on the application of Lichniak) v Secretary of State for the Home Dept
- Secretary of State for the Home Department, R (on the application of Saadi) v. *See* R (on the application of Saadi) v Secretary of State for the Home Dept
- Secretary of State for the Home Dept (JUSTICE intervening), R (on the application of Kaur) v (Case C-192/99). *See* R (on the application of Kaur) v Secretary of State for the Home Dept (JUSTICE intervening) (Case C-192/99)
- Secretary of State for the Home Dept, R (on the application of Yiadom) v (Case C-357/98). *See* R (on the application of Yiadom) v Secretary of State for the Home Dept (Case C-357/98)
- Secretary of State for the Home Dept, R v, ex p Turgut. *See* R v Secretary of State for the Home Dept, ex p Turgut
- Secretary of State for Trade and Industry, Durnell (R) & Sons Ltd v. *See* Durnell (R) & Sons Ltd v Secretary of State for Trade and Industry
- Secretary of State for Trade and Industry, R (on the application of the Broadcasting, Entertainment, Cinematographic and Theatre Union) v. *See* R (on the application of the Broadcasting, Entertainment, Cinematographic and Theatre Union) v Secretary of State for Trade and Industry (Case C-173/99)

Secretary of State for Trade and Industry, R v, ex p Eastaway. *See* R v Secretary of State for Trade and Industry, ex p Eastaway

Securitas Bremer Allgemeine Versicherungs AG, Trade Green Shipping Inc v. *See* Trade Green Shipping Inc v Securitas Bremer Allgemeine Versicherungs AG

Securities and Futures Authority Ltd, R (on the application of Fleurose) v. *See* R (on the application of Fleurose) v Securities and Futures Authority Ltd

Shah v Shah [2001] **4** 138, CA
Leave to appeal refused 24 July 2001, HL

Shaire, Mortgage Corporation v. *See* Mortgage Corporation v Shaire

Shanshal v Al-Kishtaini [2001] **2 Comm** 601, CA

Sheldon v R H M Outhwaite (Underwriting Agencies) Ltd [1994] **4** 481, QBD & CA
Reversed [1995] **2** 558, HL
Considered, Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg [2001] **1** 182

Shephard Hill Civil Engineering Ltd, Lafarge Redland Aggregates Ltd (formerly Redland Aggregates Ltd) v. *See* Lafarge Redland Aggregates Ltd (formerly Redland Aggregates Ltd) v Shephard Hill Civil Engineering Ltd

Sidhu v British Airways plc [1997] **1** 193, HL
Considered, Western Digital Corp v British Airways plc [2001] **1** 109, [2000] **2 Comm** 647

Siepert (Case C-208/98), Berliner Kindl Brauerei AG v. *See* Berliner Kindl Brauerei AG v Siepert (Case C-208/98)

Silverburn Finance (UK) Ltd v Salt [2001] **2 Comm** 438, CA

Sindicato de Médicos de Asistencia Pública (Simap) v Consellería de Sanidad y Consumo de la Generalidad Valenciana (Case C-303/98) [2001] **EC** 609, ECJ

Siskina (cargo owners) v Distos Cia Naviera SA [1977] **3** 803, CA & HL
Considered, C Inc plc v L [2001] **2 Comm** 446

Sitarem (owners) v Spirit (owners and/or demise charterers) [2001] **2 Comm** 837, QBD

Skandia International Insurance Corp, M/S Alghanim Industries Inc v. *See* M/S Alghanim Industries Inc v Skandia International Insurance Corp

Skills Motor Coaches Ltd (Criminal proceedings against) (Case C-297/99) [2001] **EC** 289, ECJ

Skinner, Farley v. *See* Farley v Skinner

Skone v Skone [1971] **2** 582, HL
Considered, Prentice v Hereward Housing Association [2001] **2 Comm** 900

Slayford, Alliance and Leicester plc v. *See* Alliance and Leicester plc v Slayford

Slingsby v District Bank Ltd [1931] 143, CA
Explained, Smith v Lloyds TSB Bank plc [2001] **1** 424, [2000] **2 Comm** 693

Smallbone (No 2), Trustor AB v. *See* Trustor AB v Smallbone (No 2)

Smit International (Deutschland) GmbH v Josef Mobius [2001] **2 Comm** 265, QBD

Smith v Gardner Merchant Ltd [1998] **3** 852, CA
Not followed, MacDonald v Ministry of Defence [2001] **1** 620

Smith v Lloyds TSB Bank plc [2000] **1 Comm** 53, QBD
Affirmed [2001] **1** 424, [2000] **2 Comm** 693, CA

Smith v White Knight Laundry Ltd [2001] **3** 862, CA

Smith (decd), Re [2001] **3** 552, Ch D

Smith New Court Securities Ltd v Scrimgeour Vickers (Asset Management) Ltd [1994] **4** 225, CA
Reversed [1996] **4** 769, HL
Applied, KBC Bank v Industrial Steels (UK) Ltd [2001] **1 Comm** 409

Snowden, Totty v. *See* Totty v Snowden

Société Eram Shipping Co Ltd v Compagnie Internationale de Navigation [2001] **1 Comm** 843, QBD
Reversed [2001] **2 Comm** 721, CA

Solicitors Disciplinary Tribunal, R (on the application of Toth) v. *See* R (on the application of Toth) v Solicitors Disciplinary Tribunal

Solo Industries UK Ltd v Canara Bank [2001] **2 Comm** 217, CA

Solvay SA, European Commission v (Joined cases C-287/95 P and C-288/95 P). *See* European Commission v Imperial Chemical Industries plc (Case C-286/95 P)

Sparekassernes Datacenter (SDC) v Skatteministeriet (Case C-2/95) [1997] **EC** 610, ECJ
Distinguished, Försäkringsaktiebolaget Skandia (publ) (Case C-240/99), Re [2001] **EC** 822

Special Comr, R (on the application of Morgan Grenfell & Co Ltd) v. *See* R (on the application of Morgan Grenfell & Co Ltd) v Special Comr

Stacey, Amber v. *See* Amber v Stacey

Standard Chartered Bank v Pakistan National Shipping Corp [1999] **1 Comm** 417, QBD
Affirmed [2001] **1 Comm** 822, CA

Standard Chartered Bank v Pakistan National Shipping Corp (No 2) [2000] **1 Comm** 1, CA
Applied, KBC Bank v Industrial Steels (UK) Ltd [2001] **1 Comm** 409

Standard Chartered Bank Ltd v Walker [1982] **3** 938, CA
Applied, Meftah v Lloyds TSB Bank plc [2001] **2 Comm** 741

Staunton, Paragon Finance plc v. *See* Paragon Finance plc v Staunton

Stein v Blake [1993] **4** 225, CA
Affirmed [1995] **2** 961, HL
Applied, Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd [2001] **1 Comm** 1041

Stern, Official Receiver v. *See* Official Receiver v Stern

Stewart v Engel [2000] **3** 518, CA
Leave to appeal refused 26 March 2001, HL
Applied, Compagnie Noga D'Importation et D'Exportation SA v Abacha [2001] **3** 513

Stirling v Leadenhall Residential 2 Ltd [2001] **3** 645, CA

Stott (Procurator Fiscal, Dunfermline), Brown v. *See* Brown v Stott (Procurator Fiscal, Dunfermline)

Stovin v Wise (Norfolk CC, third party) [1994] **3** 467, CA
Reversed [1996] **3** 801, HL
Distinguished, Kane v New Forest District Council [2001] **3** 914

Street v Mountford [1985] **2** 289, HL
Considered, Stirling v Leadenhall Residential 2 Ltd [2001] **3** 645

Structadene Ltd (on the application of), R v Hackney London BC. *See* R (on the application of Structadene Ltd) v Hackney London BC

Sudbrook Trading Estate Ltd v Eggleton [1981] **3** 105, CA
Reversed [1982] **3** 1, HL
Considered, Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD [2001] **2 Comm** 193

Sunderland Association Football Club Ltd v Uruguay Montevideo FC [2001] **2 Comm** 828, QBD

Sunderland City Council, R (on the application of Beresford) v. *See* R (on the application of Beresford) v Sunderland City Council
 Survey Services Ltd (in liq), David Wilson Homes Ltd v. *See* David Wilson Homes Ltd v Survey Services Ltd (in liq)
 Sützen v Zehnacker Gebäudereinigung GmbH Krankenhausservice (Case C-13/95) [1997] **EC** 289, ECJ
 Applied, Oy Liikenne Ab v Liskojärvi (Case C-172/99) [2001] **EC** 544
 Swain v Hillman [2001] **1** 91, CA
 Swindon BC, Godwin v. *See* Godwin v Swindon BC
 Syndicat des Producteurs Indépendants v Ministère de l'Économie, des Finances et de l'Industrie (Case C-108/00) [2001] **EC** 564, ECJ

T

Tai Ping Insurance Co Ltd (No 2), Gan Insurance Co Ltd v. *See* Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2)
 Tarbuck v Avon Insurance plc [2001] **2** 503, [2001] **1** **Comm** 422, QBD
 Tate & Lyle plc v European Commission (Joined cases T-202/98, T-204/98 and T-207/98) [2001] **EC** 839, CFI
 Tate, Safeway Stores plc v. *See* Safeway Stores plc v Tate
 Tattersall v Drysdale [1935] 112, KBD
 Considered, Dodson v Peter H Dodson Insurance Services (a firm) [2001] **3** 75, [2001] **1** **Comm** 300
 Taylor v DPP [1973] **1** 78, CA
 Affirmed [1973] **2** 1108, HL
 Considered, I v DPP [2001] **2** 583
 Teesside Gas Transportation Ltd, Amoco (UK) Exploration Co v. *See* Amoco (UK) Exploration Co v Teesside Gas Transportation Ltd
 Tele Danmark A/S v Handels-og Kontorfunktionærernes Forbund i Danmark (acting on behalf of Brandt-Nielsen) [2001] **EC** 941, ECJ
 Telecom Italia SpA, Collino v (Case C-343/98). *See* Collino v Telecom Italia SpA (Case C-343/98)
 Telegraph Group Ltd, Ashdown v. *See* Ashdown v Telegraph Group Ltd
 Texaco Ltd, Petrotrade Inc v. *See* Petrotrade Inc v Texaco Ltd
 Thames Water Utilities Ltd, Marcic v. *See* Marcic v Thames Water Utilities Ltd
 Thames Water Utilities Ltd (No 2), Marcic v. *See* Marcic v Thames Water Utilities Ltd (No 2)
 The Nore Challenger and The Nore Commander (Bareboat Charterers), Lavington International Ltd v. *See* Lavington International Ltd v The Nore Challenger and The Nore Commander (Bareboat Charterers)
 The Owners and/or Demise Charterers of MV Athinoula, Amgulf Polymers & Chemicals Ltd v. *See* Amgulf Polymers & Chemicals Ltd v MV Athinoula (owners and/or demise charterers)
 Theresa Navigation SA, Vinmar International Ltd v. *See* Vinmar International Ltd v Theresa Navigation SA
 Thompson (on the application of) , R v Chief Constable of the Northumbria Constabulary. *See* R (on the application of Thompson) v Chief Constable of the Northumbria Constabulary
 Thompson, Re [2001] **1** 737, CA
 Three Rivers DC v Bank of England (No 3) [1999] **4** 800N, CA
 Affirmed in part [2000] **3** 1, HL
 Reversed in part [2001] **2** 513, HL
 Times Newspapers Ltd, Loutchansky v. *See* Loutchansky v Times Newspapers Ltd
 Times Newspapers Ltd (No 2), McPhilemy v. *See* McPhilemy v Times Newspapers Ltd (No 2)
 Tinsley v Milligan [1992] **2** 391, CA
 Affirmed on other grounds [1993] **3** 65, HL
 Applied, Mortgage Express v Robson [2001] **2** **Comm** 886
 Titus SARL, SCI (Sales Curve Interactive) Ltd v. *See* SCI (Sales Curve Interactive) Ltd v Titus SARL
 Togher, R v. *See* R v Togher
 Tor Line AB v Alltrans Group of Canada Ltd [1984] **1** 103, HL
 Applied, Great North Eastern Railway Ltd v Avon Insurance plc [2001] **2** **Comm** 526
 Toth (on the application of), R v Solicitors Disciplinary Tribunal. *See* R (on the application of Toth) v Solicitors Disciplinary Tribunal
 Totty v Snowden [2001] **4** 577, CA
 Touche, ex p, R v Inner London North Coroner. *See* R v Inner London North Coroner, ex p Touche
 Townsend, Carlson v. *See* Carlson v Townsend
 Trade Green Shipping Inc v Securitas Bremer Allgemeine Versicherungs AG [2001] **1** **Comm** 1097, QBD
 Transpacific Discovery SA v Cargill International SA [2001] **1** **Comm** 937, QBD
 Trevelyan v Secretary of State for the Environment, Transport and the Regions [2001] **3** 166, CA
 Trustees of Camden Charities, Rosen v. *See* Rosen v Trustees of Camden Charities
 Trustor AB v Smallbone (No 2) [2001] **3** 987, Ch D
 Tse Kwong Lam v Wong Chit Sen [1983] **3** 54, PC
 Applied, Meftah v Lloyds TSB Bank plc [2001] **2** **Comm** 741
 Tuffnells Parcels Express Ltd, Bowden v. *See* Bowden v Tuffnells Parcels Express Ltd
 Turgut, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Turgut
 Turner v Grovit [1999] **1** **Comm** 445, Ch D
 Reversed [1999] **3** 616, [1999] **1** **Comm** 929, CA
 Distinguished, Lafi Office and International Business SL v Meriden Animal Health Ltd [2001] **1** **Comm** 54
 Turner v Royal Bank of Scotland plc (No 2) [2001] **1** **Comm** 1057, CA

U

UCT (UK) Ltd (in administration), Re [2001] **2** 186, Ch D
 Uncaged Campaigns Ltd, Imutran Ltd v. *See* Imutran Ltd v Uncaged Campaigns Ltd
 Uni-Polaris Shipping Co Ltd, Manifest Shipping Co Ltd v. *See* Manifest Shipping Co Ltd v Uni-Polaris Shipping Co Ltd
 Unilever plc v The Proctor & Gamble Co [1999] **2** 691, Ch D
 Affirmed [2001] **1** 783, HL
 Union of India v Manohar Lal Narang [1977] **2** 348, QBD & HL
 Considered, Saifi, Re [2001] **4** 168

Union Royale Belge des Sociétés de Football Association ASBL v Bosman (Case C-415/93) [1996] **EC** 97, ECJ
 Applied, Lehtonen v Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Ligue Belge Belgische Liga ASBL, intervening) [2001] **EC** 97
 United Film Distribution Ltd v Chhabria [2001] **2 Comm** 865, CA
 United States Government v Montgomery (Montgomery, third party) [1999] **1** 84, CA
 Affirmed [2001] **1** 815, HL
 Universal Bulk Carriers Ltd v Andre et Cie SA [2001] **2 Comm** 510, CA
 Uruguay Montevideo FC, Sunderland Association Football Club Ltd v. *See* Sunderland Association Football Club Ltd v Uruguay Montevideo FC
 USF Ltd (t/a USF Memcor) v Aqua Technology Hanson NV/SA [2001] **1 Comm** 856, QBD
 Utrecht-America Finance Co, National Westminster Bank v. *See* National Westminster Bank v Utrecht-America Finance Co

V

Van Duyn v Home Office (No 2)(Case 41/74) [1975] **3** 190, ECJ
 Considered, R (on the application of Yiadom) v Secretary of State for the Home Dept (Case C-357/98) [2001] **EC** 267
 Veba Oil Supply and Trading GmbH v Petrotrade Inc [2001] **1 Comm** 1051, QBD
 Venables v News Group Newspapers Ltd [2001] **1** 908, Fam D
 Viho Europe BV v European Commission (Parker Pen Ltd intervening)(Case C-73/95 P) [1997] **EC** 163, ECJ
 Considered, Bayer AG v European Commission [2001] **EC** 1
 Vinmar International Ltd v Theresa Navigation SA [2001] **2 Comm** 243, QBD
 Vinos v Marks & Spencer plc [2001] **3** 784, CA
 Applied, Godwin v Swindon BC [2001] **4** 641
 Distinguished, Totty v Snowden [2001] **4** 577

W

W v H (Family Division: without notice orders) [2001] **1** 300, Fam D
 W, Re [2000] **1** 175, Ch D
 Affirmed [2001] **4** 88, CA
 Walker v Stones [2000] **4** 412, CA
 Leave to appeal given 11 June 2001, HL
 Wallbank, Aston Cantlow and Wilmcote with Billesley Parochial Church Council v. *See* Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank
 Wardle, ex p, R v Crown Court at Leeds. *See* R v Crown Court at Leeds, ex p Wardle
 Warlow v Harrison [1843-60] 620, Exch Ch
 Applied, Barry v Heathcote Ball & Co (Commercial Auctions) Ltd [2001] **1** 944
 Warrington Crown Court, R v, ex p RBNB (a company). *See* R v Warrington Crown Court, ex p RBNB (a company)
 Watford Electronics Ltd v Sanderson CFL Ltd [2000] **2 Comm** 984, QBD
 Reversed in part [2001] **1 Comm** 696, CA
 Watson, ex p, R v Richmond London BC. *See* R v Richmond London BC, ex p Watson
 Watts v Morrow [1991] **4** 937, CA
 Considered, Johnson v Gore Wood & Co (a firm) [2001] **1** 481
 Explained and distinguished, Farley v Skinner [2001] **4** 801
 Webb v Chief Constable of Merseyside Police [2000] **1** 209, CA
 Considered, Costello v Chief Constable of Derbyshire Constabulary [2001] **3** 150
 Webb v EMO Air Cargo (UK) Ltd (Case C-32/93) [1994] **4** 115, ECJ
 Considered, Tele Danmark A/S v Handels-og Kontorfunktionærernes Forbund i Danmark (acting on behalf of Brandt-Nielsen) [2001] **EC** 941
 Webb v Webb (Case C-294/92) [1994] **3** 911, ECJ
 Applied, Ashurst v Pollard [2001] **2** 75
 Wein & Co Handelsges mbH v Oberösterreichische Landesregierung. *See* Evangelischer Krankenhausverein Wien v Abgabenberufungskommission Wien
 Weir, R v. *See* R v Weir
 Weldon Plant Ltd v The Commission for the New Towns [2001] **1 Comm** 264, QBD
 Western Digital Corp v British Airways plc [1999] **2 Comm** 270, QBD
 Reversed in part [2001] **1** 109, [2000] **2 Comm** 647, CA
 Westminster City Council, Delaware Mansions Ltd v. *See* Delaware Mansions Ltd v Westminster City Council
 Westmoreland Investments Ltd, MacNiven (Inspector of Taxes) v. *See* MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd
 Whistler International Ltd v Kawasaki Kisen Kaisha Ltd [1998] **4** 286, QBD
 Affirmed [1999] **4** 199, [1999] **2 Comm** 1, CA
 Reversed [2001] **1** 403, [2001] **1 Comm** 76, HL
 White v Taylor (No 2) [1968] **1** 1015, Ch D
 Applied, Bettison v Langton [2001] **3** 417
 White v White [1998] **4** 659, CA
 Affirmed [2001] **1** 1, HL
 White v White [2001] **2** 43, [2001] **1 Comm** 1105, HL
 White Knight Laundry Ltd, Smith v. *See* Smith v White Knight Laundry Ltd
 Whixall Old Burial Ground, Re [2001] **2** 348, Con Ct
 Wielockx v Inspecteur der Directe Belastingen (Case C-80/94) [1995] **EC** 769, ECJ
 Considered, Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] **EC** 496
 Wilkinson, Michael Gerson (Leasing) Ltd v. *See* Michael Gerson (Leasing) Ltd v Wilkinson
 Williams v Williams [1987] **3** 257, CA
 Applied, Howglen Ltd, Re [2001] **1** 376
 Wilson v First County Trust Ltd [2001] **3** 229, [2001] **2 Comm** 134, CA
 Wilson v Rickett, Cockerell & Co Ltd [1954] **1** 868, CA
 Applied, Albright & Wilson UK Ltd v Biachem Ltd [2001] **2 Comm** 537

Wirral Borough Magistrates' Court, R (on the application of McKeown) v. *See* R (on the application of the DPP) v Havering Magistrates' Court.
Wirral and West Cheshire Community NHS Trust, Hewitt v. *See* Totty v Snowdon
Wolverhampton Healthcare NHS Trust, Preston v. *See* Preston v Wolverhampton Healthcare NHS Trust
Woolley, P & B (Run-Off) Ltd v. *See* P & B (Run-Off) Ltd v Woolley
Workvale Ltd, Re (No 2) [1992] **2** 627, CA
Approved, Smith v White Knight Laundry Ltd [2001] **3** 862
Wright v Cherrytree Finance Ltd (Scott and another, Pt 20 defendants) [2001] **2 Comm** 877, CA

X

X Ltd v Morgan-Grampian (Publishers) Ltd [1990] **1** 616, CA
Affirmed [1990] **2** 1, HL
Considered, Ashworth Hospital Authority v MGN Ltd [2001] **1** 991
XL Insurance Ltd v Owens Corning [2001] **1 Comm** 530, QBD

Y

Yaxley v Gotts [2000] **1** 711, CA
Dicta applied, Shah v Shah [2001] **4** 138
Yiadom (on the application of), R v Secretary of State for the Home Dept (Case C-357/98). *See* R (on the application of Yiadom) v Secretary of State for the Home Dept (Case C-357/98)
Yötuuli Ky, Neste Markkinointi Oy v. *See* Neste Markkinointi Oy v Yötuuli Ky
Young v National Power plc [2001] **2** 339, CA

Z

Z (a minor)(freedom of publication), Re [1995] **4** 961, CA
Leave to appeal refused [1995] **4** xix, HL
Considered, Kelly v BBC [2001] **1** 323
Zenziper Grains and Feed Stuffs v Bulk Trading Corp Ltd [2001] **1 Comm** 385, CA

PRACTICE DIRECTIONS AND NOTES

Citation of cases—
Restrictions and rules [2001] **2** 510, Sup Ct
Court of Appeal—
Listing [2001] **2** 701, CA
Court of Appeal, Civil Division—
Hear-by dates and listing windows [2001] **3** 479, CA
Criminal proceedings—
Victim personal statements [2001] **4** 640, CA
Crown Court—
Allocation of business [2001] **2** 703, Sup Ct
Allocation of court business [2001] **4** 635, CA
Deceased Lloyds names—
Applications to distribute estates [2001] **3** 765, Ch D
Family proceedings—
Committal applications [2001] **2** 704, Fam D
Judgments—
Neutral citation [2001] **1** 193, CA
Magistrates court—
Contempt in face of court [2001] **3** 94, QBD
Rules of Procedure [2001] **EC** 671, ECJ
Trust proceedings—
Prospective costs order [2001] **3** 574, Ch D

STATUTES ETC CONSIDERED

A – PUBLIC GENERAL STATUTES

Access to Justice Act 1999

- [2001] **3** 481
- s 29 [2001] **3** 833
- s 54(4) [2001] **2** 1019
- s 55 [2001] **1** 257,
[2000] **2** Comm 960

Acquisition of Land Act 1981

- s 2(3) [2001] **2** 929
- Sch 1, para 4 [2001] **2** 929

Administration of Estates Act 1925

- s 46 [2001] **1** 97
- s 47 [2001] **1** 97

Administration of Justice Act 1985

- s 26(7) [2001] **4** 998

Arbitration Act 1950

- s 18(1) [2001] **2** Comm 30
- s 18(2) [2001] **2** Comm 30

Arbitration Act 1996

- s 3 [2001] **1** Comm 514
- s 6 [2001] **1** Comm 449
- s 9(3) [2001] **3** All ER 756,
[2001] **1** Comm 1079
- s 18 [2001] **1** Comm 41
- s 24(1)(d) [2001] **2** Comm 577
- s 67 [2001] **2** Comm 577,
[2001] **4** 875,
[2001] **2** Comm 97
- s 68 [2001] **1** Comm 264,
[2001] **2** Comm 577
- s 68(2)(g) [2001] **1** Comm 1065,
[2001] **1** Comm 398
- s 69 [2001] **1** Comm 264,
[2001] **2** Comm 794
- s 69(8) [2001] **1** 257,
[2000] **2** Comm 960
- s 79 [2001] **2** Comm 577
- s 80(5) [2001] **2** Comm 577

Asylum and Immigration Act 1996

- s 2(2)(c) [2001] **1** 593

Bail Act 1976

- s 7 [2001] **3** 997

Bankers' Books Evidence Act 1879

- s 9(2) [2001] **1** 376

Bills of Exchange Act 1882

- s 64 [2001] **1** 424,
[2000] **2** Comm 693

Carriage by Air Act 1961

- Sch 1, art 18 [2001] **1** 109,
[2000] **2** Comm 647
- Sch 1, art 25 [2001] **1** Comm 916
- Sch 1, art 26(2) . . . [2001] **1** 109,
[2000] **2** Comm 647
- Sch 1, Pt I, art 17 . . [2001] **3** 126,
[2001] **2** Comm 153

Carriage by Air (Supplementary Provisions) Act 1962

- Schedule [2001] **1** 109,
[2000] **2** Comm 647

Carriage of Goods by Road Act 1965

- Sch, art 29 [2001] **1** Comm 916
- Sch, art 31(2) [2001] **1** Comm 883

Carriage of Goods by Sea Act 1924

- s 1 [2001] **1** Comm 946
- Sch, art III, r 6 . . . [2001] **1** Comm 946

Carriage of Goods by Sea Act 1971

- Sch, art IV, r 2(a) . . [2001] **1** 403,
[2001] **1** Comm 76

Carriage of Goods by Sea Act 1992

- s 2 [2001] **2** 193,
[2001] **1** Comm 673
- s 3(1) [2001] **2** 193,
[2001] **1** Comm 673

Children Act 1989

- s 1(1)(a) [2001] **1** 323
- s 25 [2001] **2** 719

Civil Jurisdiction and Judgments Act 1982

- s 49 [2001] **1** Comm 54
- Sch 1, art 1 [2001] **2** 75
- Sch 1, art 2 [2001] **1** Comm 802
- Sch 1, art 5(1) [2001] **1** Comm 856
- Sch 1, art 6 [2001] **1** 275,
[2000] **1** Comm 833
- Sch 1, art 16 [2001] **2** 75
- Sch 1, art 17 [2001] **1** Comm 802,
[2001] **2** Comm 622

Finance Act 1994

s 8(1). [2001] **4** 687

Football Spectators Act 1989

s 14A. [2001] **4** 289

s 14B. [2001] **4** 289

Highways Act 1980

s 14(3)(a) [2001] **2** 929

s 16(5)(a) [2001] **2** 929

s 18(3)(a) [2001] **2** 929

s 125. [2001] **2** 929

Sch 1, Pt I, para 1 . . [2001] **2** 929

Sch 1, Pt I, para 7 . . [2001] **2** 929

Sch 1, Pt I, para 8 . . [2001] **2** 929

Homicide Act 1957

s 2(2). [2001] **1** 1014

Housing Act 1985

s 80. [2001] **2** 865

s 85(2) [2001] **2** 901

Housing Act 1988

. [2001] **3** 645

s 1(1). [2001] **2** 409

s 21(4) [2001] **4** 604

Sch 18, para 4. . . . [2001] **2** 865

Human Embryology and Fertilisation Act 1990

s 1(1). [2001] **4** 1013

Human Rights Act 1998

s 3 [2001] **3** 1

s 3(1). [2001] **2** 609, [2001] **3** 229,
[2001] **2** Comm 134,
[2001] **4** 934

s 4 [2001] **3** 229,
[2001] **2** Comm 134

s 6 [2001] **3** 229,
[2001] **2** Comm 134,
[2001] **3** 393, [2001] **3** 698

s 6(1). [2001] **2** 609, [2001] **3** 577

s 6(3)(b) [2001] **4** 604

s 7(1)(b) [2001] **2** 609, [2001] **3** 577

s 7(6). [2001] **3** 577

s 8(4). [2001] **4** 326

s 10. [2001] **3** 229,
[2001] **2** Comm 134

s 12. [2001] **2** 289, [2001] **2** 385

s 12(4) [2001] **1** 908, [2001] **2** 370

s 22(4) [2001] **2** 609, [2001] **3** 577

Sch 1, Pt I, art 2. . . [2001] **1** 801, [2001] **1** 908,
[2001] **2** 216

Sch 1, Pt I, art 3. . . [2001] **1** 801, [2001] **1** 908,
[2001] **2** 154, [2001] **2** 216,
[2001] **4** 934

Sch 1, Pt I, art 5. . . [2001] **2** 1,
[2001] **2** All ER 154,
[2001] **2** 719, [2001] **3** 997,
[2001] **4** 934

Sch 1, Pt I, art 5(1) . . [2001] **4** 961

Sch 1, Pt I, art 5(4) . . [2001] **4** 149

Sch 1, Pt I, art 6. . . [2001] **2** 216, [2001] **2** 609,
[2001] **2** Comm 794,
[2001] **3** 1, [2001] **3** 463,
[2001] **3** 942, [2001] **3** 997,
[2001] **4** 264, [2001] **4** 687,
[2001] **4** 897

Sch 1, Pt I, art 6(1) . . [2001] **2** 929, [2001] **2** 97,
[2001] **3** 229,
[2001] **2** Comm 134

Sch 1, Pt I, art 6(2) . . [2001] **2** 638

Human Rights Act 1998 (cont)—

Sch 1, Pt I, art 7 . . [2001] **2** 154, [2001] **4** 289

Sch 1, Pt I, art 8 . . [2001] **1** 535, [2001] **1** 577,
[2001] **2** 216, [2001] **2** 289,
[2001] **3** 698, [2001] **4** 604

Sch 1, Pt I, art 8(1) . [2001] **3** 433

Sch 1, Pt I, art 10. . [2001] **1** 908, [2001] **1** 991,
[2001] **2** 289, [2001] **2** 370,
[2001] **2** 385

Sch 1, Pt I, art 10(2) [2001] **4** 115

Sch 1, Pt I, art 11. . [2001] **3** 530

Sch 1, Pt I, art 14. . [2001] **3** 393

Sch 1, Pt II, art 1. . . [2001] **2** 609,
[2001] **2** Comm 601,
[2001] **3** 229,
[2001] **2** Comm 134,
[2001] **3** 393, [2001] **3** 698

Immigration Act 1971

s 13 [2001] **EC** 267

s 19 [2001] **4** 430

s 20 [2001] **4** 430

s 22 [2001] **4** 430

Sch 2, para 16(1) . . [2001] **4** 961

Immigration and Asylum Act 1999

s 32 [2001] **4** 423

s 34 [2001] **4** 423

s 35 [2001] **4** 423

s 37 [2001] **4** 423

Income and Corporation Taxes Act 1988

s 13 [2001] **4** 400

s 14 [2001] **EC** 496

s 168(8) [2001] **4** 768

s 247 [2001] **EC** 496

s 338 [2001] **1** 865

s 416 [2001] **4** 400

s 739(2) [2001] **4** 786

Insolvency Act 1986

. [2001] **1** 895

s 14 [2001] **2** 186

s 18(3) [2001] **2** 186

s 115 [2001] **3** 499

s 127 [2001] **1** 289,
[2001] **1** Comm 357

s 132 [2001] **4** 588

s 175(2) [2001] **3** 499

s 214 [2001] **3** 499

s 235 [2001] **1** 633

s 236 [2001] **4** 588

s 238(4) [2001] **1** 673

s 239 [2001] **3** 499

s 281(3) [2001] **3** 811

Sch 1, para 13 . . . [2001] **2** 186

Insurance Companies Act 1982

s 49 [2001] **1** Comm 1010

Sch 2C, Pt I. [2001] **1** Comm 1010

Interception of Communications Act 1985

[2001] **2** 58

Land Registration Act 1925

s 70(1)(g) [2001] **2** 332

Landlord and Tenant Act 1985

s 31 [2001] **1** 195

Landlord and Tenant (Covenants) Act 1995

s 3. [2001] **2** 914

Landlord and Tenant (Covenants) Act 1995 (cont)—

- s 5 [2001] **2** 914
- s 6 [2001] **2** 914
- s 8 [2001] **2** 914
- s 15 [2001] **2** 914
- s 28 [2001] **2** 914

Law of Property Act 1925

- s 187(1) [2001] **3** 417

Law of Property (Miscellaneous Provisions) Act 1989

- s 1 [2001] **4** 138

Leasehold Reform Act 1967

- s 2(3) [2001] **2** 399
- s 9(1A) [2001] **2** 399

Licensing Act 1964

- s 3(1) [2001] **2** 851
- s 76 [2001] **1** 660
- s 77 [2001] **1** 660

Limitation Act 1980

- s 15 [2001] **2** 238
- s 32 [2001] **1** 182
- s 32(1)(b) [2001] **1** 172
- s 32(2) [2001] **1** 172
- s 35(5) [2001] **3** 562

Local Government Act 1972

- s 123 [2001] **2** 225
- s 128(2) [2001] **2** 225
- s 222 [2001] **4** 630

Local Government Act 1974

- s 26 [2001] **1** 462

Marine Insurance Act 1906

- s 17 [2001] **1** 743,
[2001] **1** Comm 193
- s 39(5) [2001] **1** 743,
[2001] **1** Comm 193

Matrimonial Causes Act 1973

- s 25 [2001] **1** 1

Mental Health Act 1983

- s 117 [2001] **1** 436

Merchant Shipping Act 1995

- s 185 [2001] **2** Comm 265

Misuse of Drugs Act 1971

- s 5(4) [2001] **1** 1014
- s 28 [2001] **1** 1014

Murder (Abolition of Death Penalty) Act 1965

- s 1 [2001] **4** 934

National Assistance Act 1948

- s 21 [2001] **1** 436
- s 22 [2001] **1** 436

Open Spaces Act 1906

- s 11(2) [2001] **2** 348

Patents Act 1977

- s 70 [2001] **1** 783

Pension Schemes Act 1993

- s 69(3) [2001] **3** 408
- s 181 [2001] **3** 408

Pensions Act 1995

- s 37 [2001] **2** 417

Police and Criminal Evidence Act 1984

- s 9 [2001] **2** 244
- s 64 (38) [2001] **1** 577
- s 64(1) [2001] **1** 577
- s 76 [2001] **1** 57
- s 76(2)(b) [2001] **1** 57
- s 78 [2001] **1** 57, [2001] **1** 577,
[2001] **2** 58, [2001] **4** 168,
[2001] **4** 897
- Sch 1, para 1. [2001] **2** 244
- Sch 1, para 2. [2001] **2** 244
- Sch 1, para 4. [2001] **2** 244

Prison Act 1952

- s 47(1) [2001] **3** 433

Prosecution of Offences Act 1985

- s 16(6) [2001] **2** 705
- s 20 [2001] **2** 705
- s 22(3) [2001] **4** 625

Public Order Act 1986

- s 3(1) [2001] **2** 583

Race Relations Act 1976

- s 2(1)(a) [2001] **4** 834
- s 4(2)(c) [2001] **2** 840
- s 33 [2001] **2** 353

Road Traffic Act 1988

- s 143 [2001] **4** 630
- s 172(2)(a) [2001] **2** 97

Road Traffic Offenders Act 1988

- s 4 [2001] **4** 630

Sale of Goods Act 1979

- s 24 [2001] **1** 148,
[2000] **2** Comm 890
- s 25 [2001] **1** 148,
[2000] **2** Comm 890
- s 57(4) [2001] **1** 944

Sex Discrimination Act 1975

- s 6 [2001] **1** 620

Sexual Offences Act 1956

- s 14 [2001] **3** 897

Supreme Court Act 1981

- s 18(1)(a) [2001] **1** 815
- s 20(2)(m) [2001] **2** Comm 667
- s 29(3) [2001] **4** 934
- s 42 [2001] **3** 942
- s 69 [2001] **4** 205
- s 69(1) [2001] **4** 193

Taxes Management Act 1970

- s 20(1) [2001] **1** 535
- s 20(7) [2001] **1** 535

Third Parties (Rights against Insurers) Act 1930
 [2001] **1 Comm** 769
 s 1 [2001] **2** 503,
 [2001] **1 Comm** 422

Town and Country Planning Act 1990
 s 77 [2001] **2** 929
 s 78 [2001] **2** 929
 s 79 [2001] **2** 929
 Sch 6, para 3 . . . [2001] **2** 929
 Sch 6, para 4 . . . [2001] **2** 929

Transport Act 1968
 s 97 [2001] **EC** 289

Transport and Works Act 1992
 s 1 [2001] **2** 929
 s 3 [2001] **2** 929
 s 23(4) [2001] **2** 929

Trusts of Land and Appointment of Trustees Act 1996
 s 14 [2001] **2 Comm** 920
 s 15 [2001] **2 Comm** 920,
 [2001] **4** 364

Unfair Contract Terms Act 1977
 s 3(2) [2001] **1 Comm** 696
 s 11 [2001] **1 Comm** 696

Value Added Tax Act 1983
 s 17 [2001] **2** 143,
 [2001] **1 Comm** 438
 Sch 6, Group 2 . . . [2001] **2** 143,
 [2001] **1 Comm** 438

Value Added Tax Act 1994
 s 60(1) [2001] **4** 687
 s 94(2)(a) [2001] **2** 597

Water Industry Act 1991
 s 94 [2001] **3** 673
 s 155 [2001] **3** 673
 s 159 [2001] **3** 673
 s 165 [2001] **3** 673

Wildlife and Countryside Act 1981
 s 53 [2001] **3** 166
 Sch 15 [2001] **3** 166

Youth Justice and Criminal Evidence Act 1999
 s 41(3) [2001] **3** 1

E – SCOTLAND

Proceeds of Crime (Scotland) Act 1995
 s 3(2) [2001] **2** 638

G – RULES OF THE SUPREME COURT

RSC 1965
 Ord 11, r 1(1)(c) . . [2001] **1 Comm** 993
 Ord 46, r 2 [2001] **1** 249
 Ord 85 [2001] **3** 574

I – CIVIL PROCEDURE RULES

Civil Procedure Rules 1998

1.1 [2001] **3** 248
 1.2 [2001] **3** 784
 1.3 [2001] **3** 248
 1.4 [2001] **3** 248
 3.1(2) [2001] **3** 784
 3.1(2)(f) [2001] **1 Comm** 54
 3.1(2)(m) [2001] **1 Comm** 54
 3.10 [2001] **3** 784
 3.12 [2001] **2 Comm** 577
 6.1(b) [2001] **4** 641
 6.5 [2001] **3** 793
 6.7(1) [2001] **4** 641
 6.8 [2001] **2 Comm** 332
 6.9 [2001] **4** 641
 6.9(1) [2001] **3** 802
 6.20 [2001] **1 Comm** 993,
 [2001] **2 Comm** 177,
 [2001] **2 Comm** 865
 6.20(10) [2001] **3** 923
 7.4 [2001] **4** 577
 7.5 [2001] **3** 793
 7.6 [2001] **4** 577
 7.6(3) [2001] **3** 784, [2001] **3** 793,
 [2001] **4** 641
 17.4(2) [2001] **3** 562
 19.1 [2001] **2 Comm** 865
 19.2 [2001] **2 Comm** 446,
 [2001] **2 Comm** 865
 24.2 [2001] **1** 91, [2001] **4** 193
 25.1(1)(b) [2001] **3** 58,
 [2001] **1 Comm** 1023
 31.17 [2001] **1** 376
 32.1 [2001] **3** 248
 36.21 [2001] **4** 853
 36.21(2) [2001] **4** 861
 36.21(3) [2001] **4** 861
 44 PD, section 11.10 [2001] **4** 1
 44.3 [2001] **2** 88
 44.12A [2001] **3** 833
 52 PD [2001] **2** 179
 52 PD, para 17.2 . . [2001] **4** 998
 52.3(1) [2001] **4** 998
 Pt 24 [2001] **4** 205
 Sch 1 [2001] **1** 249, [2001] **3** 574

L – OTHER RULES

Asylum Appeals (Procedure) Rules 1996
 r 17(2) [2001] **4** 430

Hague Rules

[2001] **1 Comm** 392

Immigration Appeals (Procedure) Rules 1984

r 21 [2001] **4** 430
 r 38 [2001] **4** 430

Insolvency Rules 1986

r 4.218(1) [2001] **3** 499
 r 6.5(4)(d) [2001] **1** 895
 r 12.3(2)(a) [2001] **1** 895

Solicitors (Disciplinary Proceedings) Rules 1994

r 4 [2001] **3** 180
 r 28 [2001] **3** 180

M – REGULATIONS

Civil Legal Aid (General) Regulations 1989
reg 74(2). [2001] **3** 878
reg 130(b). [2001] **3** 878

Commercial Agents (Council Directive) Regulations 1993
reg 1(2). [2001] **EC** 57,
[2001] **1 Comm** 329
reg 1(3). [2001] **EC** 57,
[2001] **1 Comm** 329
reg 2(1). [2001] **2 Comm** 632

Community Legal Service (Cost Protection) Regulations 2000
reg 5(3). [2001] **3** 481

Community Legal Service (Costs) Regulations 2000
. [2001] **3** 481

Consumer Credit (Agreements) Regulations 1983
Sch 6, para 2 [2001] **3** 229,
[2001] **2 Comm** 134

Costs in Criminal Cases (General) Regulations 1986
reg 6(2). [2001] **2** 705

Housing Benefit (General) Regulations 1987
reg 11(2). [2001] **2** 690

International Regulations for Preventing Collisions at Sea 1972
r 17. [2001] **2 Comm** 837

Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989
reg 15 [2001] **3** 886
reg 16 [2001] **3** 886

Prosecution of Offences (Custody Time Limits) Regulations 1987
reg 4(4). [2001] **2** 1

Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996
reg 12(3). [2001] **4** 41

Unfair Terms in Consumer Contracts Regulations 1994
reg 3(2). [2001] **2 Comm** 1000
reg 4(1). [2001] **2 Comm** 1000

Working Time Regulations 1998
reg 13 [2001] **EC** 647, [2001] **EC** 865
reg 18 [2001] **EC** 865

N – ORDERS

Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991
[2001] **1** 815

Rent Acts (Maximum Fair Rent) Order 1999)
[2001] **1** 195

United States of America (Extradition) Order 1976
[2001] **4** 149

Value Added Tax (Special Provisions) Order 1995
art 5(1). [2001] **EC** 385

O – EUROPEAN COMMUNITIES LEGISLATION

Treaties

EC Treaty
art 8 (now art 17). [2001] **EC** 250
art 8a (now art 18) [2001] **EC** 250
art 30 (now art 28 EC)[2001] **EC** 222, [2001] **EC** 308,
[2001] **EC** 330
art 36 (now art 30 EC)[2001] **EC** 308
art 48 (now art 39 EC)[2001] **EC** 97
art 49 [2001] **4** 289
art 52 (now art 43 EC)[2001] **EC** 496
art 56 (now art 46 EC)[2001] **EC** 308
art 58 (now art 48 EC)[2001] **EC** 496
art 59 (now art 49 EC)[2001] **EC** 308
art 85 (now art 81 EC)[2001] **EC** 839, [2001] **EC** 886
art 85(1) (now art 81(1) EC)[2001] **EC** 1,
[2001] **EC** 130,
[2001] **EC** 76
art 86 (now art 82 EC)[2001] **EC** 130
art 92 (now art 87 EC)[2001] **EC** 193, [2001] **EC** 330
art 93 (now art 88 EC)[2001] **EC** 193
art 93(3) (now art 88(3) EC)[2001] **EC** 330
art 119 (now art 141 EC)[2001] **3** 947, [2001] **EC** 693
art 173 [2001] **EC** 130
art 173 (now art 230 EC)[2001] **EC** 130,
[2001] **EC** 577
art 177 [2001] **EC** 130

Final Act of Accession of the Kingdom of Denmark, Ireland and the United Kingdom to the European Communities 1972
[2001] **EC** 250

Decisions and directives

Commission Decision (EC) 96/478
[2001] **EC** 1

Commission Decision (EC) 97/789
[2001] **EC** 193

Council Directive (EC) 93/104
[2001] **EC** 609
art 1(3). [2001] **EC** 865
art 7 [2001] **EC** 647

Council Directive (EC) 98/43
[2001] **1** 850

Council Directive (EEC) 64/221
[2001] **4** 289
art 8 [2001] **EC** 267
art 9 [2001] **EC** 267

Council Directive (EEC) 75/117
[2001] **EC** 693

Council Directive (EEC) 76/207
art 5(1) [2001] **EC** 941

Council Directive (EEC) 77/187
art 1 [2001] **EC** 405
art 1(1) [2001] **EC** 544
art 3 [2001] **EC** 405

Council Directive (EEC) 77/388
art 5(8) [2001] **EC** 385
art 9(2) [2001] **EC** 564
art 11A(1)(a) [2001] **EC** 714
art 13B [2001] **2** 143,
[2001] **1 Comm** 438
art 13B(a) [2001] **EC** 822
art 17 [2001] **EC** 385
art 19(1) [2001] **EC** 37
art 33 [2001] **EC** 735

Council Directive (EEC) 79/112
[2001] **EC** 222

Council Directive (EEC) 84/5
art 1(4) [2001] **2** 43,
[2001] **1 Comm** 1105

Council Directive (EEC) 85/374
art 6 [2001] **3** 289
art 7(e) [2001] **3** 289

Council Directive (EEC) 86/653
art 17 [2001] **EC** 57,
[2001] **1 Comm** 329
art 18 [2001] **EC** 57,
[2001] **1 Comm** 329

Council Directive (EEC) 87/102
[2001] **EC** 673

Council Directive (EEC) 89/391
[2001] **EC** 609

Council Directive (EEC) 89/552
[2001] **EC** 577

Council Directive (EEC) 90/220
[2001] **EC** 791

Council Directive (EEC) 91/533
art 2 [2001] **EC** 481
art 6 [2001] **EC** 481
art 8 [2001] **EC** 481

Council Directive (EEC) 92/12
art 3 [2001] **EC** 735

Council Directive (EEC) 92/43
art 2(3) [2001] **EC** 177
art 4(1) [2001] **EC** 177

Council Directive (EEC) 92/50
art 1(b) [2001] **EC** 769

Council Directive (EEC) 92/85
art 10 [2001] **EC** 941

Regulations

Council Regulation (EEC) 1408/71
art 13 [2001] **EC** 240
art 14 [2001] **EC** 240

Council Regulation (EEC) 3820/85
[2001] **EC** 289

Council Regulation (EEC) 3821/85
art 15 [2001] **EC** 289

Rules of procedure

Commission Rules of Procedure (EEC) 63/41
art 12 [2001] **EC** 439

P – MISCELLANEOUS

ARIAS Arbitration Rules
r 16.6 [2001] **2 Comm** 30

Code of Practice for the Detention, Treatment and
Questioning of Persons by Police Officers
para 6.12 [2001] **4** 354
para 6.13 [2001] **4** 354

Code of Practice for the Identification of Persons by
Police Officers
para 2.3 [2001] **1** 686

Control of Gold, Securities, Payments and Credits
(Republic of Iraq) Directions 1990
art 2 [2001] **2 Comm** 601

Convention on Jurisdiction and the Enforcement of
Judgments in Civil and Commercial Matters 1968
art 1 [2001] **1 Comm** 54
art 17 [2001] **1 Comm** 54
art 21 [2001] **1 Comm** 54
art 22 [2001] **1 Comm** 54
art 27 [2001] **EC** 584

Criminal Injuries Compensation Scheme
para 8(a) [2001] **2** 874

EC-Czech Association Agreement 1994
art 45 [2001] **EC** 903
art 59 [2001] **EC** 903

European Convention for the Protection of Human
Rights and Fundamental Freedoms 1950
art 3 [2001] **1719**
art 6 [2001] **1** 1014, [2001] **2** 58,
[2001] **2 Comm** 481
art 6(1) [2001] **1** 633
art 8 [2001] **2** 58
art 14 [2001] **1** 620
art 41 [2001] **4** 326

Geneva Convention relating to the Status of
Refugees 1951
art 1A(2) [2001] **1** 593

Hague Convention 1965		Press Complaints Commission Code of Practice (1997)	
	[2001] 2 Comm 332	cl 3	[2001] 2 289
Lloyd's Byelaw No 8 of 1988		Uniform Customs and Practice for Documentary Credits No 500	
	[2001] 1 Comm 1120	art 28	[2001] 1 Comm 1088
Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1988)		York-Antwerp Rules 1974	
cl 6(1)(e)(ii)	[2001] 2 43,	r XI	[2001] 1 Comm 1097
	[2001] 1 Comm 1105		
Pre-Action Protocol for Personal Injury Claims			
para 3.14	[2001] 3 663		
para 3.16	[2001] 3 663		

WORDS AND PHRASES CONSIDERED

A

Accident [Carriage by Air Act 1961, Sch 1, Pt 1, art 17] [2001] **3** 126, [2001] **2 Comm** 153
Accusation [Extradition Act 1989, s 11(3)(c)] [2001] **4** 168
Actual and complete [Code of Practice for the Identification of Persons by Police Officers, para 2.3] [2001] **1** 686
Agreement between undertakings [EC Treaty, art 85(1) (now EC, art 81(1))] [2001] **EC** 1
Aid [EC Treaty, art 92 (now art 87)] [2001] **EC** 330
Aids [Race Relations Act 1976, s 33(1)] [2001] **2** 353
Any confession [Police and Criminal Evidence Act 1984, s 76(2) (6)] [2001] **1** 57
Any obligation arising under an order made in family proceedings [Insolvency Rules 1986, r 12.3(2)(a)] [2001] **1** 895
Arbitration [2001] **1 Comm** 449
Arbitrator [2001] **1 Comm** 449
As partners and individuals [2001] **2 Comm** 691
Available [2001] **1 Comm** 865

B

Bankers' books [Bankers' Books Evidence Act 1879, s 9(2)] [2001] **1** 376
Bodily injury [Carriage by Air Act 1961, Sch 1, Pt 1, art 17] [2001] **3** 126, [2001] **2 Comm** 153
By reason that [Race Relations Act 1976, s 2(1)(a)] [2001] **4** 834

C

Can be recovered [2001] **1 Comm** 289
Claim in respect of a contract [Civil Procedure Rules 1998, r 6.20] [2001] **2 Comm** 177
Commission [Commercial Agent (Council Directive) Regulations 1993, reg 2(1)] [2001] **2 Comm** 632
Consequential provision [Insolvency Act 1986, s 18(3)] [2001] **2** 186
Consideration [Insolvency Act 1986, s 238(4)] [2001] **1** 673
Contractual performance [Unfair Contract Terms Act 1977, s 3(2)(b)(1)] [2001] **2 Comm** 1050
Contractual performance [Unfair Contract Terms Act 1977, s 3(2)] [2001] **2 Comm** 1025
Costs [CPR 44.12A] [2001] **3** 833
Court [Arbitration Act 1996, s 69(8)] [2001] **1** 257, [2000] **2 Comm** 960
Crime of violence [Criminal Injuries Compensation Scheme, para 8(a)] [2001] **2** 874
Criminal cause or matter [Supreme Court Act 1981, s 18(a)] [2001] **1** 815
Criminal charges [Human Rights Act 1998, Sch 1] [2001] **4** 687

D

Decision [Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989, reg 15] [2001] **3** 886
Decision concerning entry [Council Directive (EEC) 64/221, art 8] [2001] **EC** 267
Delivery [Sale of Goods Act 1979, s 25] [2001] **1** 148, [2000] **2 Comm** 890
Demanded delivery [Carriage of Goods by Sea Act 1924, s 3(1)] [2001] **2** 193, [2001] **1 Comm** 673
Deprivation of life [Human Rights Act 1998, Sch 1, art 2] [2001] **1** 801
Deprived of liberty [Human Rights Act 1998, Sch 1, Pt I, art 5] [2001] **2** 719
Detention in the port [York-Antwerp Rules 1974, r XI] [2001] **1 Comm** 1097
Directly concerned [EC Treaty, art 173 (now art 230 EC)] [2001] **EC** 577
Dismissing [Race Relations Act 1976, s 4(2)] [2001] **2** 840
Disposal [Local Government Act 1972, s 128(2)] [2001] **2** 225

E

Embryo [Human Fertilisation and Embryology Act 1990, s 1(1)] [2001] **4** 1013
Employed in the employment [Equal Pay Act 1970, s 2(4)] [2001] **2** 339

F

Final [ARIAS Arbitration Rules, r 16.6] [2001] **2 Comm** 30
For the arrest of a person charged with an offence [Criminal Law Act 1977, s 38(3)] [2001] **4** 334
Fraud [Insolvency Act 1986, s 281(3)] [2001] **3** 811
Full reasons [Human Rights Act 1998, Sch 1, Pt I, art 6] [2001] **2 Comm** 794
Fully satisfactory [Code of Practice for the Identification of Persons by Police Officers, para 2.3] [2001] **1** 686

H

House and premises [Leasehold Reform Act 1967, s 9(1A)] [2001] **2** 399
Housing association tenancy [Housing Act 1988, Sch 18, para 4] [2001] **2** 865

I

Improvement [Leasehold Reform Act 1967, s 9(1A)(d)] [2001] **2** 399
In respect of the same damage [Civil Liability (Contribution) Act 1978, s 1(1)] [2001] **2 Comm** 1050
Insurance transactions [Council Directive (EEC) 77/388, art 13B] [2001] **2** 143, [2001] **1 Comm** 438

J

Juridical seat of the arbitration [Arbitration Act 1996, s 3] [2001] **1 Comm** 514

K

Knew it was insured [Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1988), cl 6(1)(e)(ii)] [2001] **2** 43, [2001] **1 Comm** 1105
Knew or ought to have known [Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1988), cl 6(1)(e)(ii)] [2001] **2** 43, [2001] **1 Comm** 1105

L

Landlord covenant [Landlord and Tenant (Covenants) Act 1995, s 28] [2001] **2** 914
Law and Arbitration Clause [2001] **1 Comm** 763

M

Makes a claim under the contract of carriage [Carriage of Goods by Sea Act 1992, s 3(1)] [2001] **2** 193, [2001] **1 Comm** 673
Making any of the moneys of the Scheme payable to any of the Employers [2001] **2** 417
Manifest disadvantage [2001] **4** 449, [2001] **2 Comm** 1061
May be served [Environmental Protection Act 1990, s 160] [2001] **2** 281

N

Nationals [Final Act of Accession of the Kingdom of Denmark, Ireland and the United Kingdom to the European Communities 1972] [2001] **EC** 250
Necessary or proper party to the action [CPR 6.20] [2001] **1 Comm** 993, [2001] **2 Comm** 865

O

Occurrence [2001] **1 Comm** 28
Offence [Prosecution of Offences (Custody Time Limits) Regulations 1987, reg 4(4)] [2001] **2** 1

One of a number of defendants in the courts of the place where any one of them is domiciled [Civil Jurisdiction and Judgments Act 1982, Sch 1, art 6] [2001] **1** 275, [2000] **1 Comm** 833
Other records [Bankers' Books Evidence Act 1879, s 9(2)] [2001] **1** 376
Otherwise than in accordance with [Asylum and Immigration Act 1996, s 2(2)(c)] [2001] **1** 593
Overriding interest [Land Registration Act 1925, s 70(1)(g)] [2001] **2** 332

P

Paid [Income and Corporation Taxes Act 1988, s 338] [2001] **1** 865
Pending [Carriage of Goods by Road Act 1965, Schedule, art 31(2)] [2001] **1 Comm** 883
Per occurrence [2001] **1 Comm** 28
Port charges [York-Antwerp Rules 1974, r XI] [2001] **1 Comm** 1097
Prejudicial to health [Environmental Protection Act 1990, s 79(1)(a)] [2001] **1** 385
Preventing the disclosure of information received in confidence [Human Rights Act 1998, Sch 1, art 10] [2001] **1** 908
Privity [Marine Insurance Act 1906, s 39(5)] [2001] **1** 743, [2001] **1 Comm** 193
Proceedings [Solicitors (Disciplinary Proceedings) Rules 1994, r 28] [2001] **3** 180
Protection of the rights of others [Human Rights Act 1998, Sch 1, art 10] [2001] **1** 908

R

Real [CPR 24.2] [2001] **1** 91
Resources [Pension Schemes Act 1993, s 69(3)] [2001] **3** 408

S

Same damage [Civil Liability (Contribution) Act 1978, s 1(1)] [2001] **2 Comm** 1050
Serious irregularity [Arbitration Act 1996, s 68] [2001] **1 Comm** 264, [2001] **1 Comm** 398
Several distinct principal services [2001] **2** 143, [2001] **1 Comm** 438
Sex [Sex Discrimination Act 1975] [2001] **1** 620
Single service [2001] **2** 143, [2001] **1 Comm** 438
Supply of advertising services [Council Directive (EEC) 77/388, art 9(2)] [2001] **EC** 564

T

Tenant covenant [Landlord and Tenant (Covenants) Act 1995, s 28] [2001] **2** 914
Threatens unlawful violence [Public Order Act 1986, s 3(1)] [2001] **2** 583
Typographical arrangement of published editions [Copyright, Designs and Patents Act 1988, s 1(1)(c)] [2001] **3** 977

U

Unequivocal [Code of Practice for the Identification of Persons by Police Officers, para 2.3] [2001] **1** 686
Unnatural death [Coroners Act 1988, s 8(1)] [2001] **2** 752
Upbringing [Children Act 1989, s 1(1)(a)] [2001] **1** 323

V

Voyage [York-Antwerp Rules 1974, r XI] [2001] **1 Comm** 1097

W

Worker [Council Directive **EC** 93/104, art 7] [2001] **EC** 647

SUBJECT INDEX

A

ABNORMALITY OF MIND

Diminished responsibility—
Murder charge. *See* **Criminal law** (Murder—Diminished responsibility).

ABUSE OF PROCESS

Criminal proceedings—
Stay of proceedings. *See* **Criminal law** (Trial—Stay of proceedings—Abuse of process).
Dismissal of action. *See* **Action** (Dismissal—Abuse of process of court).

ABUSE OF PUBLIC OFFICE

See **Public Office** (Abuse of).

ACCOUNT

Bank account. *See* **Bank** (Account).

ACTION

Action in rem—
Practice. *See* **Admiralty** (Practice).
Annulment, for—
European Community—
Procedure. *See* **European Community** (Procedure—Action for annulment).
Dismissal—
Abuse of process of court—
Claimant carrying on business through company—Claimant instructing defendant solicitors to exercise company's option to purchase land—Company bringing proceedings against solicitors for negligence—Claimant informing solicitors of intention to bring personal action in respect of that negligence but not doing so until after settlement of company's action—Whether claimant's action an abuse of process—Whether damages claimed irrecoverable as reflective of company's loss. **Johnson v Gore Wood & Co (a firm)** [2001] 1 481, HL.
Limitation of action. *See* **Limitation of action**.
Personal injuries action—
Experts' reports. *See* **Practice** (Personal injuries action—Experts' reports).

ADMINISTRATION OF ESTATES

Distribution—
Retention of assets to meet future liabilities—
Estates of deceased Lloyd's names—Application by executors of deceased Lloyd's name for permission to distribute estate—Procedure. **Practice Note** [2001] 3 765, Ch D.

ADMIRALTY

Arrest of vessel—
Release following provision of security—
Vessel being arrested on application of defendant—Vessel being detained for lengthy period—
Claimant bringing action for return of money paid for release—Claimant alleging agreement for release concluded under duress—Whether vessel detained by or on behalf of claimant—
Whether defendants detaining vessel without serious regard as to existence of adequate grounds for arrest—Whether agreement should be set aside for duress. **Gulf Azov Shipping Co Ltd v Idisi** [2001] 2 Comm 673, CA.

ADMIRALTY (cont)—

Practice—

Action in rem—

Priorities—Ranking and priority of maritime liens—Competing damage and wages claims against fund—Damages claimant enforcing security by arrest but vessel being re-arrested—Whether damages claim having priority over wages claim—Whether claim having equal ranking with other damages claims after arrest and re-arrest. **Carbonnade (owners) v Ruta (owners)** [2001] 1 450, [2000] 1 Comm 847, QBD.

Supply of crew services Whether services supplied by ship giving rise to action in rem—Supreme Court Act 1981, s 20(2)(m). **Lavington International Ltd v The Nore Challenger and The Nore Commander (Bareboat Charterers)** [2001] 2 Comm 667, QBD.

Striking out –

Claims for damage to cargo and short delivery—Proper approach to cases involving smaller sums Guidance. **Amgulf Polymers & Chemicals Ltd v MV Athinoula (owners and/or demise charterers)** [2001] 2 Comm 821, QBD.

ADMISSION

Criminal proceedings—

Admissibility—

Generally. See **Criminal evidence** (Admissions and confessions).

ADVERSE POSSESSION

Land—

Limitation of action. See **Limitation of action** (Land—Adverse possession).

AFFRAY

Offence. See **Criminal law** (Affray).

AFTER-THE-EVENT INSURANCE PREMIUM

Costs—

Whether ATE insurance premium recoverable in costs only proceedings. See **Costs** (Order for costs—Jurisdiction—After-the-event (ATE) insurance premium).

AGENT

Commercial agent—

Meaning—

Claimant retaining 'mark-up' on sales of defendant's goods—Whether claimant acting as defendant's commercial agent—Whether defendant remunerated by 'commission'—Commercial Agent (Council Directive) Regulations 1993, reg 2(1). **Mercantile International Group plc v Chuan Soon Huat Industrial Group plc** [2001] 2 Comm 632, QBD.

AGREEMENT

Arbitration clause. See **Arbitration** (Agreement—Arbitration clause).

AIRTRAFFIC

Carriage by air—

Generally. See **Carriage by air**.

Civil Aviation Authority—

Licensing of provision of accommodation in aircraft—

Air Travel Organisers' Licence—Licence required by person making available flight accommodation—Whether person assisting or facilitating acquisition of flight accommodation by principal making available flight accommodation—Civil Aviation Act 1982, s 71—Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995, reg 3. **R (on the application of Jet Services Ltd) v Civil Aviation Authority** [2001] 2 Comm 769, CA.

ALIEN

Immigration. See **Immigration**.

AMENDMENT

Pleading. See **Pleading** (Amendment).

ANNULMENT

Action for—

Generally—

European Community. See **European Community** (Action for annulment).

Procedure—

European Community. See **European Community** (Procedure—Action for annulment).

ANTI-SOCIAL BEHAVIOUR ORDER

Magistrates court—

Whether criminal or civil proceedings. See **Magistrates** (Proceedings—Anti-social behaviour order).

APPEAL

- Action for annulment—
 - Procedure—
 - European Community. *See* **European Community** (Procedure—Action for annulment—Appeals).
- Arbitration award—
 - Leave to appeal against award. *See* **Arbitration** (Award—Leave to appeal against award).
- Criminal appeal—
 - Generally. *See* **Criminal law** (Appeal).
- House of Lords—
 - Generally. *See* **House of Lords**.
- Immigration Appeal Tribunal. *See* **Immigration** (Appeal—Immigration Appeal Tribunal).
- Practice—
 - Generally. *See* **Practice** (Appeal).
- Right of appeal—
 - Statutory appeal—
 - Whether rule of procedure imposing general requirement for permission to appeal in statutory appeals—Administration of Justice Act 1985, s 26(7)—CPR 52.3(1)—CPR PD 52, para 17.2. **Colley v Council for Licensed Conveyancers** [2001] 4 998, CA.
- Statutory appeal—
 - Right of appeal. *See* Right of appeal—Statutory appeal, *above*.

ARBITRATION

- Agreement—
 - Arbitration clause—
 - Conflict of laws. *See* **Conflict of laws** (Contract—Arbitration clause).
 - Scope—Clause in contract providing for disputes to be referred to Queen's Counsel—Whether clause constituting arbitration clause—Arbitration Act 1996, s 6. **David Wilson Homes Ltd v Survey Services Ltd (in liq)** [2001] 1 Comm 449, CA.
 - Dispute resolution—
 - Main contract and sub-contract—Disputes arising under both contracts—Provision in sub-contract for resolution of disputes jointly with disputes arising under main contract—Contractor serving notice on sub-contractor of intention to have disputes resolved jointly—Whether contractor initiating dispute resolution procedure under main contract within reasonable time—Whether main contract providing for tripartite arbitration. **Lafarge Redland Aggregates Ltd (formerly Redland Aggregates Ltd) v Shephard Hill Civil Engineering Ltd** [2001] 1 34, HL.
- Appeal—
 - Leave to appeal. *See* Award—Leave to appeal against award, *below*.
- Arbitration clause—
 - Agreement. *See* Agreement—Arbitration clause, *above*.
 - Charterparty—
 - Incorporation in bill of lading. *See* **Shipping** (Bill of lading—Incorporation of terms of charterparty).
 - Conflict of laws. *See* **Conflict of laws** (Contract—Arbitration—Arbitration clause).
- Award—
 - Enforcement—
 - Action to enforce award—English award made between overseas parties—Award likely to be enforced overseas—Suspension of award pending application to set award aside—Discretion to suspend award—Whether order should be made conditionally on amount of award being secured—Guidelines. **Apis AS v Fantazia Kereskedelmi KFT** [2001] 1 Comm 348, QBD.
 - Leave to appeal against award—
 - Appeal to Court of Appeal—Jurisdiction—Refusal of High Court judge to grant leave to appeal from his decision on appeal from arbitrator—Whether Court of Appeal having jurisdiction to grant leave to appeal or review refusal of lower court to grant leave—Arbitration Act 1996, s 69(8)—Access to Justice Act 1999, s 55. **Henry Boot Construction (UK) Ltd v Malmaison Hotel (Manchester) Ltd** [2001] 1 257, [2000] 2 Comm 960, CA.
 - Judge refusing leave to appeal—Judge stating questions not of general public importance and that decisions of arbitrators not obviously wrong or open to serious doubt—Judge refusing application for 'full reasons' for decision—Whether judge obliged to give full reasons for refusal of leave to appeal from arbitration award—Arbitration Act 1996, s 69—Human Rights Act 1998, Sch 1, Pt 1, art 6. **Mousaka Inc v Golden Seagull Maritime Inc** [2001] 2 Comm 794, QBD.
- Setting aside award—
 - Jurisdiction—Adjudicator making clear error—Whether adjudicator acting in excess of jurisdiction. **Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd** [2001] 1 Comm 1041, CA.
 - Jurisdiction—Jurisdiction to make award—'Juridical seat' of arbitration—Parties based in Dubai and USA—Arbitration appeal heard in London—Whether 'juridical seat' of arbitration England and Wales—Arbitration Act 1996, s 3. **Dubai Islamic Bank PJSC v Paymentech Merchant Services Inc** [2001] 1 Comm 514, QBD.
 - Jurisdiction—Jurisdiction to make award—Respondents claiming not to be parties to contracts containing arbitration clauses—Whether parties having made ad hoc submissions to arbitrator on question of jurisdiction—Whether appellants entitled to challenge arbitration awards—Arbitration Act 1996, s 67. **LG Caltex Gas Co Ltd v China National Petroleum Corp** [2001] 4 875, [2001] 2 Comm 97, CA.
 - Misconduct—Arbitrator failing to hear one party on issue before him—Judge setting aside award and removing arbitrator on ground on misconduct—Whether judge in error. **Miller Construction Ltd v James Moore Earthmoving** [2001] 2 Comm 598, CA.
 - Serious irregularity—Innocent non-disclosure—Jurisdiction to set aside award on grounds of innocent non-disclosure—Whether innocent non-disclosure contrary to public policy—Arbitration Act 1996, s 68(2)(g). **Profilati Italia SRL v PaineWebber Inc** [2001] 1 Comm 1065, QBD.

ARBITRATION (cont)—

Setting aside award (cont)—

Serious irregularity—Public policy—Parties to charterparty undertaking negotiations after dispute referred to arbitration—Arbitrator making final and peremptory order for service of defence—Time extended for negotiations—Owners expressing willingness to reach settlement—No settlement reached and arbitrator proceeding to final award—Whether award procured in manner contrary to public policy—Arbitration Act 1996, s 68(2)(g). **Cuflet Chartering v Carousel Shipping Co Ltd** [2001] 1 Comm 398, QBD.

Serious irregularity—Variation of contract—Arbitrator valuing variation—Arbitrator refusing to award overheads and profit on costs—Whether arbitrator erred in assessing fair valuation—Whether inconsistencies in award constituting 'serious irregularity'—Arbitration Act 1996, ss 68, 69. **Weldon Plant Ltd v The Commission for the New Towns** [2001] 1 Comm 264, QBD.

Time limit for application—Relevant considerations when application for setting aside award made out of time—Arbitration Act 1996, ss 24(1)(d), 67, 68, 79, 80(5)—CPR 3.12. **Kalmneft JSC v Glencore International AG** [2001] 2 Comm 577, QBD.

Commencement—

Notice requiring appointment of arbitrator—

Numerous delays by applicant before formal notice issued—Whether delays inordinate and inexcusable—Whether court retaining discretion to compel arbitration—Arbitration Act 1996, s 18. **Durtnell (R) & Sons Ltd v Secretary of State for Trade and Industry** [2001] 1 Comm 41, QBD.

Conflict of laws—Contract. *See* **Conflict of laws** (Contract—Arbitration).

Costs—

Taxation—

Jurisdiction—Arbitrators making order on preliminary issue—Claim failing as a result of decision on preliminary issue—Arbitrators awarding costs to defendant—Whether award 'final'—Claimant applying for costs to be taxed by High Court—Whether arbitrators having jurisdiction to tax costs—ARIAS Arbitration Rules, r 16.6—Arbitration Act 1950, s 18(1), (2). **M/S Alghanim Industries Inc v Skandia International Insurance Corp** [2001] 2 Comm 30, QBD.

Stay of court proceedings—

Application—

Conditional application—Application for summary judgment in event that application for stay unsuccessful—Whether step in proceedings—Arbitration Act 1996, s 9(3). **Capital Trust Investments Ltd v Radio Design TJ AB** [2001] 3 756, [2001] 1 Comm 1079, Ch D.

ARREST

Admiralty proceedings. *See* **Admiralty** (Arrest of vessel).

Power of arrest attached to non-molestation order. *See* **Family proceedings** (Orders in family proceedings—Power of arrest attached to non-molestation order).

Warrant—

Execution—

Execution in Northern Ireland of warrant issued in another part of United Kingdom 'for the arrest of a person charged with an offence'—Claimant being impersonated by acquaintance—Acquaintance being prosecuted and convicted in Scotland under claimant's name—Acquaintance absconding before sentence and Scottish court issuing warrant for claimant's arrest—Northern Ireland police arresting claimant under warrant—Whether person arrested under warrant having to be a person charged with an offence—Criminal Law Act 1977, s 38(3). **McGrath v Chief Constable of the Royal Ulster Constabulary** [2001] 4 334, HL.

ARTISTIC WORK

Copyright—

Infringement. *See* **Copyright** (Infringement—Artistic work).

ASSAULT

Indecent. *See* **Criminal law** (Indecent assault).

ASSETS

Administration of estates—

Retention of assets to meet future liabilities. *See* **Administration of estates** (Distribution—Retention of assets to meet future liabilities).

Company—

Compulsory winding up—

Distribution of assets. *See* **Company** (Compulsory winding up—Distribution of assets).

Transfer of assets abroad—

Income tax avoidance. *See* **Income tax** (Avoidance—Transfer of assets abroad).

ASSIGNMENT

Insurance policy—

Conflict of laws. *See* **Conflict of laws** (Jurisdiction—Challenge to jurisdiction—Insurance policy—Assignment).

Lease—

Release of covenant. *See* **Landlord and tenant** (Covenant—Release—Assignment of lease).

ASSOCIATION

Value added tax. *See* **Value added tax** (Club or association).

ASSURED TENANCY

Creation. *See* **Landlord and tenant** (Tenancy—Creation—Assured tenancy).

ASYLUM

- Asylum seeker—
Immigration. *See* **Immigration** (Asylum seeker).
- Refugee—
Deportation—
Generally. *See* **Immigration** (Deportation—Refugee—Asylum).

AUCTION

- Auction without reserve—
Withdrawal of lot by auctioneer—
Machines being placed for sale at auction without reserve—Auctioneer withdrawing machines from sale because bidding too low—Whether auctioneer breaching collateral contract to sell machines to highest bidder. **Barry v Heathcote Ball & Co (Commercial Auctions) Ltd** [2001] 1 944, CA.

AVIATION

- Carriage by air. *See* **Carriage by air**.

B

BAIL

- Criminal proceedings—
Generally. *See* **Criminal law** (Bail).

BANK

- Account—
Compulsory winding up of company—
Avoidance of disposition of property after commencement of winding up—Whether bank liable for payments out of company's account made after commencement of winding up—Insolvency Act 1986, s 127. **Hollicourt (Contracts) Ltd (in liq) v Bank of Ireland** [2001] 1 289, [2001] 1 Comm 357, CA.
- Suspect transactions—
Police informing bank of investigation into possible money laundering by client—Bank fearing liability to third parties if account not frozen but concerned that client would bring action if account frozen—Bank fearing that it would be unable to defend client's proceedings without exposing itself to risk of prosecution for breaching statutory provision against 'tipping-off'—Guidance on steps to be taken by bank to protect its position in such circumstances—Criminal Justice Act 1988, s 93D—CPR 25.1(1)(b). **Governor and Company of the Bank of Scotland v A Ltd** [2001] 3 58, [2001] 1 Comm 1023, CA.
- Banker/client relationship—
Duty of bank—
Duty of confidentiality—Defendant bank answering status inquiries from another bank about customer—Defendant using information about state of customers' accounts in giving answers—Whether bank breaching implied duty of confidentiality to customer. **Turner v Royal Bank of Scotland plc (No 2)** [2001] 1 Comm 1057, CA.
- Bank loan—
Facility letter—
Bank providing loan facilities—Facility letters requiring repayment on demand but indicating that bank expected facilities to remain available until specified event—Bank demanding repayment before specified event—Whether bank entitled to repayment on demand—Whether bank entitled to summary judgment. **Bank of Ireland v AMCD (Property Holdings) Ltd** [2001] 2 Comm 894, Ch D.
- Bank of England—
Deposit-taking business—
Control by Bank of England. *See* Deposit taking business—Control by Bank of England, *below*.
- Books—
Evidence in civil proceedings—
Generally. *See* **Evidence** (Bankers' books).
- Cheque—
Conversion—
Fraudulent alteration of cheque or banker's draft—Whether collecting or paying bank liable in conversion for face value of fraudulently altered cheque or banker's draft—Bills of Exchange Act 1882, s 64. **Smith v Lloyds TSB Bank plc** [2001] 1 424, [2000] 2 Comm 693, CA.
- Deposit-taking business—
Control by Bank of England—
Bank's supervisory role over commercial banks in the United Kingdom—Depositors with licensed deposit-taker suffering loss when deposit-taker failing because of fraud—Depositors alleging loss caused by Bank of England wrongly granting licence or wrongly failing to revoke deposit-taker's licence—Depositors claiming damages for tort of misfeasance in public office—Judge concluding that claim bound to fail on basis of report into collapse of deposit-taker—Whether judge erring in relying on inquiry report—Whether claim having no real prospect of success. **Three Rivers DC v Bank of England (No 3)** [2001] 2 513, HL.
- Documentary credit—
Irrevocable credit—
Duty of bank—Documents presented complying on their face but including certificates signed without authority—Bank arguing documents a 'nullity'—Whether 'nullity' exception existing in addition to 'fraud' exception to obligation of bank to pay on presentation of apparently complying documents. **Montrod Ltd v Grundkötter Fleischvertriebs-GmbH** [2001] 1 Comm 368, QBD.

BANK (cont)—

Documentary credit (cont)—

Irrevocable credit (cont)—

Duty of bank—Letter of credit providing documents ‘to be accepted as presented’—Whether provision overriding 21-day requirement for shipment—Uniform Customs and Practice for Documentary Credits No 500, art 28. **Credit Agricole Indosuez v Credit Suisse First Boston (Zurich)** [2001] **1 Comm** 1088, QBD.

Duty of bank—Negotiating bank failing to notice discrepancy in documents—Issuing banks refusing payment for discrepant documents—Negotiating bank bringing action against seller for deceit—Whether on facts seller knowingly presenting discrepant documents—Whether seller liable for costs of negotiating bank’s failed proceedings against issuing banks. **KBC Bank v Industrial Steels (UK) Ltd** [2001] **1 Comm** 409, QBD.

BANK OF ENGLAND

Deposit-taking business—

Control by Bank of England. *See* **Bank** (Deposit-taking business—Control by Bank of England).

BANKERS’ BOOKS

Evidence in civil proceedings—

Generally. *See* **Evidence** (Bankers’ books).

BANKRUPTCY

For cases etc. under the Insolvency Act 1986 and the rules thereunder, see **Insolvency**.

BEFORE-THE-EVENT INSURANCE

Costs—

Legal expenses insurance—

Order for costs. *See* **Costs** (Order for costs—Legal expenses insurance—Before-the-event (BTE) insurance).

BILL OF LADING

Generally. *See* **Shipping** (Bill of lading).

BOND

Performance bond—

Generally. *See* **Contract** (Bond—Performance bond).

BREACH OF CONFIDENCE

See **Equity** (Breach of confidence).

BROKER

Fiduciary duty—

Metal exchange broker. *See* **Equity** (Fiduciary duty—Metal exchange broker).

BURDEN OF PROOF

Criminal cases—

Generally. *See* **Criminal evidence** (Burden of proof).

C

CARRIAGE BY AIR

Carriage of goods—

International carriage—

Limitation of carrier’s liability—Carrier’s general conditions extending convention limitation of liability to period within which goods in custody of carrier—Whether limitation applicable—Carriage by Air Act 1961, Sch 1, art 25. **Quantum Corp Ltd v Plane Trucking Ltd** [2001] **1 Comm** 916, QBD.

Option of carrying goods by road or air. *See* **Carriers** (Contract—Carriage of goods—International carriage of goods by road—Multimodal transport).

Right of action—Goods lost in transit—Owner of goods not named as consignor or consignee of goods in air waybill—Carrier notified of damage to goods but not of loss—Whether owner of goods not named as consignor or consignee entitled to claim against carrier—Whether notice to carrier sufficient notice of complaint—Carriage by Air Act 1961, Sch 1, arts 18, 26(2)—Carriage by Air (Supplementary Provisions) Act 1962, Schedule. **Western Digital Corp v British Airways plc** [2001] **1** 109, [2000] **2 Comm** 647, CA.

Carriage of passengers—

International carriage—

International convention imposing liability on carrier for ‘bodily injury’ to passenger arising from ‘accident’—Claimant travelling on aircraft operated by defendant—Fellow passenger indecently assaulting claimant while sleeping—Claimant suffering mental injury but not physical injury—Whether claimant suffering ‘accident’—Whether ‘bodily injury’ including mental injury—Carriage by Air Act 1961, Sch 1, Pt I, art 17. **Morris v KLM Royal Dutch Airlines** [2001] **3** 126, [2001] **2 Comm** 153, CA.

CARRIAGE BY AIR (cont)—

International carriage—

Goods. *See* Carriage of goods—International carriage, *above*.

Passengers. *See* Carriage of passengers—International carriage, *above*.

CARRIAGE BY ROAD

Generally. *See* **Carriers**.

CARRIAGE BY SEA

Goods—

Bill of lading. *See* **Shipping** (Bill of lading—Carriage of goods by sea).

CARRIERS

Air transport—

Generally. *See* **Carriage by air**.

Contract—

Carriage of goods—

International carriage of goods by road—Multimodal transport—Carrier having option of carrying sector by road or air—Carrier opting for international carriage by road for sector—Whether convention for carriage by road applicable—Carriage of Goods by Road Act 1965, Schedule, art 29. **Quantum Corp Ltd v Plane Trucking Ltd** [2001] 1 **Comm** 916, QBD.

CHANCEL

Repair—

Liability. *See* **Ecclesiastical law** (Chancel—Liability to repair chancel).

CHARITY

Unincorporated association—

Rules—

Alteration—Rules allowing association to refuse membership to applicants—Association having mitigation of animal suffering as objective—Association opposing hunting with dogs—Campaigns to persuade association to change anti-hunting policy—Member of association attempting to recruit new members for ulterior purpose of changing policy—Association wishing to adopt membership policy to exclude such persons—Association proposing administrative scheme to implement membership policy—Guidance—Construction of rules—Whether membership policy and scheme permissible—Human Rights Act 1998, Sch 1, Pt I, art 11. **Royal Society for the Prevention of Cruelty to Animals v A-G** [2001] 3 530, Ch D.

CHARTERPARTY

Generally. *See* **Shipping** (Charterparty).

Repudiation—

Generally. *See* **Contract** (Repudiation—Charterparty).

Time charterparty. *See* **Shipping** (Time charterparty).

CHattel

Annexation to land—

Houseboat—

Claimant owning houseboat moored to pontoon and embankment wall by ropes—Defendant occupying houseboat as his home under agreement with claimant—Claimant seeking possession—Whether houseboat chattel or part of land—Housing Act 1988, s 1(1). **Chelsea Yacht and Boat Co Ltd v Pope** [2001] 2 409, CA.

CHEQUE

Conversion—

Bank. *See* **Bank** (Cheque—Conversion).

Dishonour—

Obtaining pecuniary advantage by deception. *See* **Bank** (Cheque—Conversion).

CHILD

Evidence—

Criminal proceedings. *See* **Criminal evidence** (Child).

Ward of court—

Generally. *See* **Ward of court**.

Welfare. *See* Welfare—Ward of court, *below*.

Welfare—

Ward of court—

Welfare of child paramount consideration in determining questions with respect to 'upbringing'—Meaning of 'upbringing'—Children Act 1989, s 1(1)(a). **Kelly v BBC** [2001] 1 323, Fam D.

CHURCH

Generally. *See* **Ecclesiastical law**.

CITIZENSHIP

European Union. *See* **European Community** (Citizenship).

CIVIL AVIATION AUTHORITY

See **Air Traffic** (Civil Aviation Authority).

CLAIM FORM

Service—

Deemed day of service—

Rule of procedure establishing deemed day of service of documents—Claimant serving claim form on defendant by first class post—Defendant receiving claim form within prescribed time limit but service rendered late by deeming provision—Whether deemed day of service rebuttable by evidence proving that service had actually been effected on different day—CPR 6.7(1). **Godwin v Swindon BC** [2001] 4 641, CA.

Dispensing with service—

Claimant serving claim form one day late—Whether court having power to dispense with service of claim form in circumstances of case—CPR 6.9(1). **Infantino v MacLean** [2001] 3 802, QBD.

Whether court having power to dispense with service of claim form in circumstances where retrospective extension of time prohibited—CPR 6.1(b), 6.9, 7.6(3). **Godwin v Swindon BC** [2001] 4 641, CA.

Extension of time for service

Whether court having general power to extend time for service of claim form where application for extension made after expiry of time prescribed for service—CPR 1.2, 3.1(2), 3.10, 7.6(3). **Vinos v Marks & Spencer plc** [2001] 3 784, CA.

Service on defendant's solicitors -

Whether rules requiring claimant to serve claim form on solicitors nominated by defendant to accept service—CPR 6.5, 7.5, 7.6(3). **Nanglegan v Royal Free Hampstead NHS Trust** [2001] 3 793, CA.

CLUB

Value added tax -

Generally. See **Value added tax** (Club or association).

COLLISION

Shipping—

Collision regulations. See **Shipping** (Collision regulations).

COMMERCIAL AGENT

See **Agent** (Commercial agent).

COMMERCIAL COURT

Practice—

Striking out—

Claims for damage to cargo and short delivery -Proper approach to cases involving smaller sums—Guidance. **Amgulf Polymers & Chemicals Ltd v MV Athinoula (owners and/or demise charterers)** [2001] 2 Comm 821, QBD.

COMMITTAL

Extradition. See **Extradition** (Committal).

Family proceedings—

Procedure. See **Practice** (Family proceedings—Committal proceedings).

COMMONS

Registration—

Town or village green—

User as of right—Publicly-owned sports arena -Whether implied permission capable of defeating claim to user as of right—Commons Registration Act 1965, s 22(1). **R (on the application of Beresford) v Sunderland City Council** [2001] 4 565, CA.

Right of common—

Common of grazing

Farm enjoying right of common of pasturage limited by levancy and couchancy—Right being registered in respect of fixed number of animals—Farm owner selling grazing rights to claimants—Defendants buying farm—Whether right of common of pasturage for fixed number of animals severable from land to which it was appurtenant—Whether registration capable of transforming non-severable right of pasturage into severable right—Law of Property Act 1925, s 187(1)—Commons Registration Act 1965, s 15. **Bettison v Langton** [2001] 3 417, HL.

COMMUNITY LEGAL SERVICE FUNDING

Unassisted person's costs out of community legal service fund—

Jurisdiction—

Whether proper for trial court to determine in principle whether costs order should be made against commission—Whether court having jurisdiction to make costs order against commission in favour of other body financed from public funds -Whether it could be just and equitable to make order against commission in favour of government department—Access to Justice Act 1999—Community Legal Service (Costs) Regulations 2000—Community Legal Service (Cost Protection) Regulations 2000, reg 5(3). **R v Secretary of State for the Home Dept, ex p Gunn** [2001] 3 481, CA.

COMPANY

Assets—

Compulsory winding-up—

Distribution of assets. *See* Compulsory winding-up—Distribution of assets, *below*.

Compulsory winding-up—

Avoidance of disposition of property after commencement of winding-up—

Whether bank liable for payments out of company's account made after commencement of winding up—Insolvency Act 1986, s 127. **Hollicourt (Contracts) Ltd (in liq) v Bank of Ireland** [2001] 1 289, [2001] 1 **Comm** 357, CA.

Distribution of assets—

Defendant mutual company owning and operating stock exchange—Claimant company holding non-transferable share in defendant as stock exchange member firm—Defendant's articles of association requiring shareholder to transfer share on ceasing to be member firm—Member firms ceasing to be members on declaration of default—Defendant declaring claimant to be defaulter—Claimant going into insolvent liquidation—Defendant transferring claimant's share—Whether transfer of claimant's share offending principle against transactions depriving person of asset on becoming insolvent. **Money Markets International Stockbrokers Ltd (in liq) v London Stock Exchange Ltd** [2001] 4 223, [2001] 2 **Comm** 344, Ch D.

Examination of officer of company etc—

Production of documents—Directors disqualification proceedings—Official Receiver bringing directors disqualification proceedings against former director of company in compulsory liquidation—Official Receiver applying for orders for third parties to produce documents relating to company—Whether court having power to make such an order where sole purpose of application was to obtain documents for use in disqualification proceedings—Insolvency Act 1986, ss 132, 236—Company Directors Disqualification Act 1986, s 7. **Re Pantmaenog Timber Co Ltd (in liquidation)** [2001] 4 588, CA.

Corporate personality—

Lifting corporate veil—

Restitution—Knowing receipt—Circumstances in which company's receipt to be treated as individual's receipt. **Trustor AB v Smallbone (No 2)** [2001] 3 987, Ch D.

Director—

Disqualification—

Evidence—Directors giving interviews to Insolvency Service under compulsion—Official Receiver wishing to rely on interviews in disqualification proceedings against directors—Whether use of such evidence in disqualification proceedings necessarily infringing right to fair hearing—Company Directors Disqualification Act 1986—Insolvency Act 1986, s 235—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 6(1). **Official Receiver v Stern** [2001] 1 633, Ch D & CA.

Examination of officer—

Compulsory winding up—

Generally. *See* Compulsory winding-up—Examination of officer of company etc, *above*.

Pension—

Pension scheme—

Generally. *See* **Pension** (Pension scheme—Company pension).

Preferential payments—

Winding-up. *See* Winding-up—Preferential payments, *below*.

Registration

Restoration to register. *See* Restoration to register, *below*.

Restoration to register—

Application—

Applicant a claimant in action for damages against company—Deceased's widow wishing to bring action against dissolved company in respect of his death—Registrar restoring company to register and directing that period of dissolution be discounted for limitation purposes—Circumstances in which such a direction may be given—Limitation Act 1980, s 33—Companies Act 1985, s 651(1). **Smith v White Knight Laundry Ltd** [2001] 3 862, CA.

Voluntary winding-up—

Preferential payments. *See* Winding up—Preferential payments, *below*.

Winding-up—

Compulsory winding-up. *See* Compulsory winding-up, *above*.

Liquidator—

Costs of proceedings—Liquidator wishing to bring proceedings for wrongful trading and preferences against former directors of company—Whether liquidator automatically entitled to recoup costs of proposed litigation from company's assets—Insolvency Act 1986, ss 115, 175(2), 214, 239—Insolvency Rules 1986, r 4.218(1). **Lewis v IRC** [2001] 3 499, CA.

Preferential payments—

Voluntary winding up—Whether court having power to authorise administrators of company going into voluntary liquidation to pay persons who would be preferential creditors on a compulsory liquidation sums due if company compulsorily wound up—Insolvency Act 1986, ss 14, 18(3), Sch 1, para 13. **UCT (UK) Ltd (in administration), Re** [2001] 2 186, Ch D.

COMPENSATION

Criminal injuries—

Criminal act—

Personal injury directly attributable to crime of violence—Crime of violence—Sexual offences being committed against claimants when children—Claimants bringing claims for compensation as victims of 'crime of violence'—Compensation appeal panel concluding that claimants had consented to sexual acts and that they were not victims of crimes of violence—Relevance of consent in determining whether crime was 'crime of violence'—Criminal Injuries Compensation Scheme, para 8(a). **R v Criminal Injuries Compensation Appeals Panel, ex p August** [2001] 2 874, CA.

COMPETITION

European Community rules. *See* **European Community** (Rules on competition).

COMPULSORY INSURANCE

Motor insurance—

Third party risks. *See* **Motor insurance** (Compulsory insurance against third party risks).

COMPULSORY WINDING UP

Company. *See* **Company** (Compulsory winding up).

CONDITION

Contract—

Generally. *See* **Contract** (condition).

Motor insurance policy. *See* **Motor insurance** (Conditions).

CONDITIONAL FEE AGREEMENT

Solicitor—

Costs. *See* **Solicitor** (Costs—Conditional fee agreement).

CONFESSION

Criminal proceedings—

Admissibility—

Generally. *See* **Criminal evidence** (Admissions and confessions).

Extradition proceedings—

Exclusion of evidence of confession. *See* **Extradition** (Committal—Evidence—Exclusion of evidence—Circumstances in which evidence obtained—Confession).

CONFIDENTIAL INFORMATION

Banker/client relationship. *See* **Bank** (Banker/client relationship—Duty of bank—Duty of confidentiality).

Injunction against disclosure of information—

Claimants murdering young child when ten years old and being detained during Her Majesty's pleasure—

Claimants reaching age of 18 and becoming eligible for release—Authorities proposing to give claimants new identities on release—Claimants alleging their lives would be endangered if new identities revealed—Whether court having jurisdiction to protect adult's identity and whereabouts—Human Rights Act 1998, s 12(4), Sch 1, arts 2, 3, 10. **Venables v News Group Newspapers Ltd** [2001] 1 908, Fam D.

CONFISCATION ORDER

Drug trafficking offence. *See* **Drugs** (Drug trafficking—Confiscation order).

Generally. *See* **Sentence** (Confiscation order).

CONFLICT OF LAWS

Contract—

Arbitration—

Arbitration clause—Claim on insurance policy—Agreement containing London arbitration clause and New York choice of law clause—Proceedings commenced in United States—Whether English law governing arbitration agreement—Whether injunction restraining US proceedings should be granted. **XL Insurance Ltd v Owens Corning** [2001] 1 Comm 530, QBD.

Proper law of contract—

Contract for provision of services of pop group—Claimant managers based in England—Defendant concert organiser based in Germany—Defendant refusing to pay full price for services of pop group—Claimant issuing proceedings in England—Whether England or Germany appropriate forum—Contracts (Applicable Law) Act 1990, Sch 1, art 4. **Definitely Maybe (Touring) Ltd v Marek Lieberberg Konzertagentur GmbH** [2001] 4 283, [2001] 2 Comm 1, QBD.

Foreign immovables—

Title—

Jurisdiction. *See* Jurisdiction—Title to foreign immovables, *below*.

Foreign judgment—

Recognition and enforcement—

European Community—Brussels Convention—Interested party applying for judgment given in one contracting state to be enforced in another contracting state—Judgment debtor contending that recognition of judgment contrary to public policy in the state in which recognition being sought—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art 27. **Krombach v Bamberski (Case C-7/98)** [2001] EC 584, ECJ.

Foreign proceedings—

Restraint of foreign proceedings—

Circumstances in which court will restrain prosecution of foreign proceedings—Agreement not to bring action in respect of non-disclosure of specified information—Contract containing non-exclusive English jurisdiction clause and waiver of objection to English courts as forum—Claimant seeking permanent injunction to restrain foreign proceedings arising out of contract—Whether defendant in breach of agreement—Whether injunction should be granted restraining defendant from continuing foreign proceedings. **National Westminster Bank v Utrecht-America Finance Co** [2001] 3 733, [2001] 2 Comm 7, CA.

CONFLICT OF LAWS (cont)—

Jurisdiction—

Challenge to jurisdiction—

Civil and commercial matters—Declaration—Claimant commencing proceedings in England for negative declaration—Defendant commencing proceedings in Belgium for breach of contract—Defendant applying to set aside claim form in English proceedings for want of jurisdiction—Claimant contending English court having jurisdiction on ground that disputed obligation to be performed in England—Whether disputed obligation to be performed in England—Civil Jurisdiction and Judgments Act 1982, Sch 1, art 5(1). **USF Ltd (t/a USF Memcor) v Aqua Technology Hanson NV/SA** [2001] 1 Comm 856, QBD.

Insurance policy—Assignment—Assignment of insurance policy with French insurers governed by English law—Claimant seeking proprietary and contractual declarations—Whether French law or English law governing assignee's claim—Whether assignment had taken place—Contracts (Applicable Law) Act 1990, s 2, Sch 1, art 12. **Raiffeisen Zentralbank Österreich AG v Five Star General Trading LLC** [2001] 3 257, [2001] 1 Comm 961, CA.

Reinsurance contract—Defendant insurance company domiciled in Switzerland reinsured by English insurers—Reinsurers issuing proceedings in England seeking declaration that they were discharged from liability under contract—Reinsurance contract containing service of suit clause conferring jurisdiction on foreign court—Whether jurisdiction could be exercised in favour of non-contracting state when defendant domiciled in contracting state—Whether proceedings should be stayed in favour of foreign jurisdiction—Civil Jurisdiction and Judgments Act 1982, Sch 1, arts 2, 17, Sch 3C, arts 2, 17. **Ace Insurance SA-NV v Zurich Insurance Co** [2001] 1 Comm 802, CA.

Civil and commercial matters—

Exclusive jurisdiction—Contract of reinsurance—Exclusive clause contained in underlying policy—Whether clause incorporated into reinsurance contract—Civil Jurisdiction and Judgments Act 1982, Sch 1, art 17. **AIG Europe SA v QBE International Insurance Ltd** [2001] 2 Comm 622, QBD.

Court—

Appropriate court—Exclusive jurisdiction—Whether defendant 'one of a number of defendants in the courts of the place where any one of them is domiciled'—Civil Jurisdiction and Judgments Act 1982, Sch 1, arts 6, 22. **Messier-Dowty Ltd v Sabena SA (No 2)** [2001] 1 275, [2000] 1 Comm 833, CA.

Title to foreign immovables—

Bankrupt owning land in Portugal—English court ordering sale of Portuguese land on application by trustee in bankruptcy—Whether proceedings bankruptcy proceedings for purposes of jurisdiction convention—Whether proceedings falling within exclusive jurisdiction of Portuguese courts as proceedings concerning rights in rem in immovable property—Civil Jurisdiction and Judgments Act 1982, Sch 1, arts 1, 16. **Ashurst v Pollard** [2001] 2 75, CA.

Movables—

Title to goods—

Lex situs—Title to be determined according to lex situs—Oil trader in Fujairah becoming insolvent—Whether title to remaining and on-sold oil to be determined according to lex situs. **Glencore International AG v Metro Trading Inc** [2001] 1 Comm 103, QBD.

Stay of proceedings—

Discretion—

Criminal and civil proceedings—Unrelated actions in two contracting states—Non-exclusive jurisdiction clause for benefit of one party—Seller instituting proceedings in England—Buyer instituting petition in Spain in respect of criminal proceedings against individuals associated with seller—Whether English court first seized of action—Whether actions related—Whether actions between same parties—Whether court could adjourn under case management powers—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, arts 1, 17, 21, 22—Civil Jurisdiction and Judgments Act 1982, s 49—CPR r 3.1(2)(f), (m). **Lafi Office and International Business SL v Meriden Animal Health Ltd** [2001] 1 Comm 54, QBD.

Lis pendens—

Proceedings involving same cause of action and between same parties—Claimant commencing and serving proceedings in English court after defendant having commenced proceedings in Austrian court but before service of Austrian proceedings—Whether Austrian proceedings pending—Carriage of Goods by Road Act 1965, Schedule, art 31(2). **Andrea Merzario Ltd v Internationale Spedition Leitner Gesellschaft GmbH** [2001] 1 Comm 883, CA.

CONSERVATION

European Community—

Conservation of natural habitats and wild fauna and flora. *See* **European Community** (Environment—Conservation of natural habitats and of wild fauna and flora).

CONSTRUCTION (INTERPRETATION)

Contract—

Generally. *See* **Contract** (Construction).

Fire insurance policy. *See* **Insurance** (Fire insurance—Condition—Construction).

Insurance contract. *See* **Insurance** (Contract of insurance—Construction of terms).

Statute. *See* **Statute** (Construction).

CONSUMER CONTRACT

See **Contract** (Consumer contract).

CONSUMER CREDIT

Agreement—

Form and content of agreement—

Restrictions on enforcement—Statutory provision rendering improperly-executed regulated agreement unenforceable if debtor not signing document containing all prescribed terms of agreement—Whether provision compatible with right to fair trial and right to property under human rights convention—Consumer Credit Act 1974, ss 61(1)(a), 65(1), 113, 127(3)—Human Rights Act 1998, ss 3(1), 4, 6, 10, Sch 1, Pt I, art 6(1), Pt II, art 1—Consumer Credit (Agreements) Regulations 1983, Sch 6, para 2. **Wilson v First County Trust Ltd** [2001] 3 229, [2001] 2 Comm 134, CA.

European Union. See **European Community** (Consumer protection—Consumer credit).

Extortionate credit bargain—

Mortgage—

Variable interest rate clause—Mortgage failing to adjust charging rates in line with Bank of England or prevailing market rates—Whether extortionate credit bargain—Consumer Credit Act 1974, ss 137, 138. **Paragon Finance plc v Staunton** [2001] 2 Comm All ER 1025, CA.

CONSUMER PROTECTION

Consumer contract. See **Contract** (Consumer contract).

Consumer credit. See **Consumer credit**.

European Community—

Generally. See **European Community** (Consumer protection).

CONTEMPT OF COURT

Criminal contempt—

Intention to interfere with course of justice—

Breach of injunction by person not party to action—Attorney General bringing proceedings against former security service officer and newspaper group relating to alleged misuse of Crown's confidential information—Court granting interlocutory injunctions restraining defendants from disclosing or publishing material obtained by officer in his employment—Officer publishing article in magazine containing information covered by injunction—Judge finding that magazine's editor guilty of contempt regardless of whether information already in public domain—Whether purpose of injunctions protection of national security or preservation of any information obtained by security officer in his employment—Whether Attorney General's consent required before publication of any material covered by injunctions. **A-G v Punch Ltd** [2001] 2 655, CA.

Journalist—

Refusal to disclose source of information. See Refusal to disclose source of information—

Journalist, *below*.

Magistrates' court—

Wilfully interrupting proceedings of court—

Refusal to give evidence—Procedure and sentencing. **Practice Note** [2001] 3 94, QBD.

Refusal to disclose source of information—

Journalist—

Disclosure necessary in interests of justice—Hospital employee giving confidential information about patient to journalist via intermediary—Hospital seeking order requiring journalist to disclose identity of intermediary in order to discover identity of ultimate source—Whether necessary in interests of justice for identity of source to be revealed—Contempt of Court Act 1981, s 10—Human Rights Act 1998, Sch 1, art 10. **Ashworth Hospital Authority v MGN Ltd** [2001] 1 991, CA.

CONTRACT

Arbitration—

Conflict of laws. See **Conflict of laws** (Contract—Arbitration).

Generally. See **Arbitration**.

Bond

Performance bond—

Issuing bank purporting to avoid bond on ground of fraudulent conspiracy or misrepresentation by beneficiary—Judge refusing to give summary judgment for beneficiary on ground that bank having real prospect of justifying avoidance—Whether judge applying correct test—CPR 24.2(a)(ii). **Solo Industries UK Ltd v Canara Bank** [2001] 2 Comm 217, CA.

Breach—

Damages. See Damages for breach, *below*.

Carriage—

Goods. See **Carriers** (Contract—Carriage of goods).

Condition—

Breach—

Effect—Contract for sale of fuel oil—Contract providing for independent inspection—Contract providing for results of inspection to be binding save for fraud or manifest error—Whether manifest error in certificate of inspectors. **Galaxy Energy International Ltd v Eurobunker SpA** [2001] 2 Comm 912, QBD.

Effect—Contract for sale of gasoil—Contract providing for independent inspection—Contract stipulating method of inspection—Inspector employing different method—Whether purchaser bound by inspector's decision. **Veba Oil Supply and Trading GmbH v Petrotrade Inc** [2001] 1 Comm 1051, QBD.

Insurance policy—

Motor insurance. See **Motor insurance** (Conditions).

Conflict of laws. See **Conflict of laws** (Contract).

CONTRACT (cont)—

Construction—

Capacity reservation and transportation agreement for use of gas pipeline system—

Commencement date triggering obligation to make send-or-pay payments—Commencement requiring that system be 'available' on commencement date—System not fit to be connected to pipelines on commencement date because of latent defect—No delay caused to transport of gas—Whether system 'available' on commencement date. **Amoco (UK) Exploration Co v Teesside Gas Transportation Ltd** [2001] 1 Comm 865, HL.

Licence agreement—

Licence for exclusive distribution of computer game—Licence providing for advance payments by licensee—Licence providing for partial return of advances in certain circumstances after reconciliation date—Licensor serving termination notice before reconciliation date—Whether licensor entitled to summary judgment in respect of unpaid advances. **SCI (Sales Curve Interactive) Ltd v Titus SARL** [2001] 2 Comm 416, CA.

Sale of business—

Dispute about—Contract providing for service of dispute notice setting out reasonable details of grounds for dispute—Whether failure to provide such details in respect of certain items rendering notice ineffective in relation to them. **LHS Holdings Ltd v Laporte plc** [2001] 2 Comm 563, CA.

Shipbuilding contract—

Buyer alleging builder's default and taking possession of vessel—Whether contract providing that buyer liable to pay final instalments of contract price—Whether buyer required to complete vessel in accordance with contract specification. **BMBF (No 12) Ltd v Harland and Wolff Shipbuilding and Heavy Industries Ltd** [2001] 2 Comm 385, CA.

Warranty—

Share purchase—Non-payment—Restriction on company issuing share options or grants—Alleged breach of warranty relied on as counterclaim extinguishing liability for non-payment—Statutory demand for payment—Winding-up petition—Application for interlocutory relief—Whether words used effecting sensible commercial purpose. **City Alliance Ltd v Oxford Forecasting Services Ltd** [2001] 1 Comm 233, CA.

Consumer contract—

Unfair terms—

Bank making loans to consumers under standard form regulated credit agreement—Agreement requiring borrower to pay interest after judgment at contractual rate—Whether provision for post-judgment interest subject to assessment as to fairness—Whether provision unfair—Unfair Terms in Consumer Contracts Regulations 1994, regs 3(2), 4(1). **Director General of Fair Trading v First National Bank plc** [2001] 2 Comm 1000, HL.

Consumer credit agreement. See **Consumer credit**.

Damages for breach—

Mitigation of loss—

Claim under sub-contract for supply of defective valves—Sub-contractor claiming main contractor avoiding loss by entering into settlement agreement with head contractor—Whether settlement agreement wholly independent transaction. **Mobil North Sea Ltd v PJ Pipe & Valve Co (t/a PJ Valves or PJ Valve Ltd)** [2001] 2 Comm 289, CA.

Non-pecuniary damages—

Claimant considering purchase of tranquil country property and instructing surveyor to report on aircraft noise—Surveyor negligently reporting that property unlikely to be affected by aircraft noise—Claimant buying property and subsequently discovering that it was significantly affected by such noise—Claimant staying in property but bringing contractual claim against surveyor for non-pecuniary damages—Whether non-pecuniary damages only available in cases where object of entire contract was to give pleasure, relaxation or peace of mind—Whether such damages recoverable only in cases where promisor guaranteed achievement of those ends. **Farley v Skinner** [2001] 4 801, HL.

Wrongful dismissal—

Employment tribunal upholding claimant's claim for unfair dismissal and awarding compensation—Claimant subsequently bringing county court proceedings for financial loss arising from psychological injury caused by manner of dismissal—Whether employee having common law right of action to recover damages for financial loss arising from manner of dismissal. **Johnson v Unisys Ltd** [2001] 2 801, HL.

F o t contract—

Sale of goods—

Delivery. See **Sale of goods** (Delivery—F o t contract).

Illegality—

Enforceability of contract—

Public policy—Claimant repaying money loaned by defendant—Claimant overpaying because of exchange rate fluctuations—Directions restricting payments by residents of specified state—Claimant resident in specified state at time directions coming into force—Whether repayment illegal—Whether principle of illegality thereby precluding defendant from repaying excess repayment—Whether bar to recovery on grounds of illegality amounting to deprivation of right to peaceful enjoyment of possessions—Emergency Laws (Re-enactments and Repeals) Act 1964, s 2—Control of Gold, Securities, Payments and Credits (Republic of Iraq) Directions 1990, art 2—Human Rights Act 1998, Sch 1, Pt II, art 1. **Shanshal v Al-Kishtaini** [2001] 2 Comm 601, CA.

Implied term—

Circumstances in which term should be implied—

Contract referring to minimum duration—Contract providing price mechanism for part of duration only—Whether contract effective only for duration for which price mechanism in force. **Mamidoil-Jetoil Greek Petroleum Co SA v Okta Crude Oil Refinery AD** [2001] 2 Comm 193, CA.

CONTRACT (cont)—

Implied term (cont)—

Mortgage—

Variable interest clause—Whether term to be implied that discretion to vary interest be exercised fairly as between the parties and not arbitrarily, capriciously or unreasonably. **Paragon Finance plc v Staunton** [2001] 2 Comm All ER, CA

Incorporation of terms—

Reference to rules of regulatory body—

Terms of contract subject to rules of regulatory body—Whether reference imposing duty to observe rules of regulatory body. **Brandeis (Brokers) Ltd v Black** [2001] 2 Comm 980, QBD.

Insurance—Generally. *See* **Insurance** (Contract of insurance).

Marine insurance. *See* **Marine insurance**.

Performance—

Purported performance—

Supply of chemicals—Contracts made for separate supplies of different chemicals—Common delivery agent for both contracts—Delivery note for first order attached to second order by delivery agent—Chemicals delivered not as described on delivery note—Chemicals mixed inappropriately and explosion resulting—Whether delivery constituting purported performance of one or both contracts. **Albright & Wilson UK Ltd v Biachem Ltd** [2001] 2 Comm 537, CA.

Release—

General release—

Employee agreeing to release all claims he might have against employer—Employee bringing claim not known to exist in law when release signed—Whether release barring employee's claim. **Bank of Credit and Commerce International SA (in liq) v Ali** [2001] 1 961, HL.

Repudiation—

Charterparty—

Failure of owners to obtain approval of vessel by oil company as agreed in charter—Whether charterers entitled to repudiate charter—Whether lack of approval constituting repudiatory breach. **BS & N Ltd (BVI) v Micado Shipping Ltd (Malta) (No 2)** [2001] 1 Comm 240, CA.

Last voyage—Charterer giving orders contemplating late delivery—Whether clause in charterparty giving charterers right to issue otherwise illegitimate last orders. **Marimpex Mineraloel-Handelsgesellschaft MBH & Co KB v Cie de Gestion et D'Exploitation Ltd** [2001] 1 Comm 182, QBD.

Sale of goods—

Generally. *See* **Sale of goods**.

Shipbuilding contract—

Construction. *See* **Construction**—Shipbuilding contract, *above*.

Termination—

Notice—

Charterparty clause providing for termination if other charterparty terminated—Whether other charter having to be terminated lawfully to invoke termination clause—Whether termination valid. **Aktieselskabet Dampskibsselskabet Svendborg v Mobil North Sea Ltd** [2001] 2 Comm 553, QBD.

Towage contract. *See* **Shipping** (Towage contract).

Unfair terms—

Consumer contract. *See* **Consumer contract**—Unfair terms, *above*.

Exclusion of liability for misrepresentation—

'Entire agreement' clause—Contract to supply integrated software system—Whether pre-contract misrepresentation excluded—Whether exclusion clauses fair and reasonable—Unfair Contract Terms Act 1977, ss 3(2), 11. **Watford Electronics Ltd v Sanderson CFL Ltd** [2001] 1 Comm 696, CA.

Mortgage—

Variable interest clause—Discretion of lender to set interest rate—Whether setting of interest rate constituting 'contractual performance'—Unfair Contract Terms Act 1977, s 3(2)(b)(i). **Paragon Finance plc v Staunton** [2001] 2 Comm All ER 1025, CA.

CONTRIBUTION

Third party proceedings—

Claim 'in respect of the same damage'—

Claimant purchasing business—Claimant contending that vendor in breach of warranties in respect of accounts of business—Vendor seeking contribution from third party accountants—Whether third party liable in respect of 'same damage' as defendant—Whether threshold condition for claim to contribution met—Civil Liability (Contribution) Act 1978, s 1(1). **Eastgate Group Ltd v Lindsey Morden Group Inc (Smith & Williamson (a firm), Pt 20 defendant)** [2001] 2 Comm All ER 1050, CA.

CONTROLLED DRUGS

Generally. *See* **Drugs** (Controlled drugs).

CONVERSION

Cheque. *See* **Bank** (Cheque—Conversion).

Possession—

Stolen property—

Police lawfully seizing and retaining car in possession of claimant—Police refusing to return car to claimant after exhaustion of statutory purposes for which car held—Judge dismissing action by claimant for return of car on grounds that car stolen to his knowledge—Whether thief or receiver of stolen property acquiring possessory title to that property protected by law. **Costello v Chief Constable of Derbyshire Constabulary** [2001] 3 150, CA.

Wrongful interference with goods. *See* **Tort** (Wrongful interference with goods—Conversion).

CONVICTION

Appeal—

Generally. See **Criminal law** (Appeal).

COPYRIGHT

Artistic work—

Infringement of copyright. See **Infringement—Artistic work**, *below*.

Infringement—

Artistic work—

Fabric design—Claimant alleging that defendant's fabric design infringing copyright in its own design—Judge finding that defendant had copied claimant's design and that copying had been in relation to substantial part—Defendant not challenging judge's finding on copying but Court of Appeal reversing judge's conclusion on substantiality—Whether Court of Appeal entitled to interfere with judge's conclusion. **Designers Guild Ltd v Russell Williams (Textiles) Ltd** [2001] 1 700, HL.

Defence—

Right to freedom of expression—Whether court having to consider facts of individual case when determining whether copyright protection infringing right to freedom of expression under human rights convention—Copyright, Designs and Patents Act 1988, ss 30, 171(3)—Human Rights Act 1998, Sch 1, Pt I, art 10. **Ashdown v Telegraph Group Ltd** [2001] 4 666, CA.

Right to freedom of expression—Whether right to freedom of expression under human rights convention providing defence to claim for copyright infringement over and above that provided by relevant statutory code—Copyright, Designs and Patents Act 1988, ss 30, 171(3)—Human Rights Act 1998, s 12(4), Sch 1, Pt I, art 10. **Ashdown v Telegraph Group Ltd** [2001] 2 370, Ch D.

Typographical arrangement—

Newspaper—Cuttings agency providing defendant with photocopies of relevant newspaper articles—Defendant making further copies of cuttings and distributing them to individuals in its organisation—Whether copyright in typographical arrangement of newspaper in whole newspaper or in individual articles—Whether copying amounting to copying of substantial part—Copyright, Designs and Patents Act 1988, ss 1(1)(c), 8(1), 16(3), 17(5). **Newspaper Licensing Agency Ltd v Marks and Spencer plc** [2001] 3 977, HL.

CORONER

Costs—

Discretion as to order for costs. See **Costs** (Order for costs—Discretion—Coroner).

Inquest—

Duty to hold inquest—

Unnatural death—Deceased dying from cerebral haemorrhage following caesarean section—Deceased's husband alleging that failure by hospital to provide appropriate post-operative care contributing to death—Husband obtaining medical reports supporting allegation but coroner refusing to order inquest—Whether coroner erring in concluding that there were no reasonable grounds to suspect that deceased's death 'unnatural'—Coroners Act 1988, s 8(1). **R v Inner London North Coroner, ex p Touche** [2001] 2 752, CA.

CORPORATE PERSONALITY

Company. See **Company** (Corporate personality).

CORPORATION TAX

Computation of profits—

Deductions. See **Income tax** (Deductions in computing profits).

European Community—

Generally. See **European Community** (Taxation—Internal taxes—Corporation tax).

Generally. See **Income tax** (Corporation tax).

CORRESPONDENCE

Prisoner. See **Prison** (Letters—Prisoner's letters).

COSTS

Arbitration—

Generally. See **Arbitration** (Costs).

Award out of central funds—

Criminal cases. See **Criminal law** (Costs—Award out of central funds).

Community legal service funding. See **Community legal service funding**.

Coroner—

Discretion as to order for costs. See **Order for costs—Discretion—Coroner**, *below*.

Criminal cases—

Generally. See **Criminal law** (Costs).

Legal aid—

Taxation of costs—Generally. See **Legal aid** (Taxation of costs—Criminal proceedings).

Legal aid—

Order for costs. See **Legal aid** (Order for costs).

Taxation of costs. See **Legal aid** (Taxation of costs).

Order for costs—

Discretion—

Coroner—Court ordering coroner to pay costs incurred by applicant in successful challenge to his decision—Whether court having discretion to award costs against coroner in absence of misconduct—Coroners Act 1988, s 13. **R v Inner London North Coroner, ex p Touche** [2001] 2 752, CA.

COSTS (cont)—

Order for costs (cont)—

Discretion (cont)—

Payment into court—Claimant rejecting defendant's written offer to pay £4,000 in settlement of action—Defendant paying £3,000 into court several months after claimant's rejection of offer—Claimant failing to beat payment in—Recorder ordering claimant to pay defendant's costs from date of written offer—Whether recorder in error in treating written offer in same way as payment in—CPR 44.3. **Amber v Stacey** [2001] 2 88, CA.

Indemnity costs—

Power to award indemnity costs where defendant failing to beat claimant's Pt 36 offer—Principles governing exercise of power—CPR 36.21. **Petrotrade Inc v Texaco Ltd** [2001] 4 853, CA.

Power to award indemnity costs where defendant failing to beat claimant's Pt 36 offer—Purpose of power—CPR 36.21(3). **McPhilemy v Times Newspapers Ltd (No 2)** [2001] 4 861, CA.

Jurisdiction—

After-the-event (ATE) insurance premium—Costs-only proceedings—Claimant entering into conditional fee agreement with solicitors to pursue modest claim for personal injuries—Claimant paying premium for ATE insurance covering him against incurring liability for defendant's costs—Parties settling claim before issue of proceedings and defendant agreeing to pay claimant's reasonable costs—Parties disputing quantum of costs and claimant bringing costs-only proceedings—Whether ATE insurance premium recoverable in costs-only proceedings—Access to Justice Act 1999, s 29—CPR 44.12A. **Callery v Gray** [2001] 3 833, CA.

After-the-event (ATE) insurance premium—Own costs insurance—Claimant paying premium for ATE insurance in respect of claim against defendant—Insurance covering him not only for liability in respect of defendant's costs but also against risk of paying his own disbursements if claim failed—Whether cost of own costs insurance recoverable under order for costs—Access to Justice Act 1999, s 29—CPR PD 44, section 11.10. **Callery v Gray (No 2)** [2001] 4 1, CA.

Legal aid cases. See **Legal aid** (Order for costs).

Legal expenses insurance—

Before-the-event (BTE) insurance—After-the-event (ATE) insurance premium—Driver having motor vehicle insurance policy containing BTE legal expenses cover—Whether passenger entitled to recover ATE premium in small personal injury claim where BTE cover available under driver's insurance policy. **Sarwar v Alam** [2001] 4 541, CA.

Solicitor—

Generally. See **Solicitor** (Costs).

Taxation—

Arbitration. See **Arbitration** (Costs—Taxation).

Legal aid—

Generally. See **Legal aid** (Taxation of costs).

COURT

Appropriate court—

Conflict of laws. See **Conflict of laws** (Jurisdiction—Court).

Contempt of court. See **Contempt of court**.

Court of Appeal—

Generally. See **Court of Appeal**.

Crown Court. See **Crown Court**.

European Court of Justice—

Generally. See **European Community** (European Court of Justice).

Jurisdiction—

Conflict of laws. See **Conflict of laws** (Jurisdiction—Court).

COURT OF APPEAL

Evidence—

Further evidence—

Use of reasonable diligence to obtain evidence before trial—Principles to be applied—Whether insurers under duty to make investigations into claims—Considerations where strong prima facie case of wilful deception of the court disclosed. **Prentice v Hereward Housing Association** [2001] 2 Comm 900, CA.

Jurisdiction—

Criminal Division. See **Criminal law** (Court of Appeal—Jurisdiction).

Practice—

Civil Division—

Hear-by dates and listing windows. **Practice Note** [2001] 3 479, CA.

Listing—Short warned list procedure—Introduction of special fixtures list. **Practice Note** [2001] 2 701, CA.

CREDIT

Documentary credit. See **Bank** (Documentary credit).

CREDIT CARD

Protection plan—

Indemnity insurance. See **Insurance** (Indemnity insurance—Credit card protection plan offering cardholders indemnification and other forms of assistance on loss or theft of card).

CREDITOR

Bankruptcy—

Petition by creditor—

Cases under Insolvency Act 1986 and the rules thereunder. See **Insolvency** (Petition—Creditor's petition).

CRIMINAL EVIDENCE

Admissions and confessions—

Confession obtained in circumstances likely to render unreliable 'any confession' made by accused—

Meaning of 'any confession'—Police and Criminal Evidence Act 1984, s 76(2)(b). **Re Proulx** [2001] 1 57, QBD.

Statutory power—

Power to require information—Incriminating answer to question put under statutory power to require information—Statutory provision requiring defendant to identify driver of car—Defendant admitting that she was driver and being charged with driving car after consuming excessive alcohol—Whether use of admission in evidence by prosecution infringing defendant's right to fair hearing—Road Traffic Act 1988, s 172(2)(a)—Human Rights Act 1998, Sch 1, Pt I, art 6(1). **Brown v Stott (Procurator Fiscal, Dunfermline)** [2001] 2 97, PC.

Burden of proof—

Statutory provisions imposing burden of proof on defendant—

Principles to be applied when determining whether provisions compatible with human rights convention—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 6. **R v Lambert** [2001] 1 1014, CA.

Child—

Video recording of testimony—

Application to admit video recording of testimony of child—Application for evidence to be given by live television link—Exercise of court's discretion—Guidance—Criminal Justice Act 1988, ss 32, 32A. **R (on the application of the DPP) v Redbridge Youth Court** [2001] 4 411, QBD DC.

Cross-examination—

Complainant—

Sexual offence. *See* Sexual offence—Cross-examination of complainant about previous sexual experience, *below*.

Identity—

Visual identification—

Victim identifying defendant to police in street shortly after commission of offence—Defendant disputing identification and requesting identity parade—Police failing to hold identity parade—Whether provision of code of practice requiring identity parade applying where suspect had previously been positively identified—Code of Practice for the Identification of Persons by Police Officers, para 2.3. **R v Forbes** [2001] 1 686, HL.

Interception of communications—

Telephone intercepts—

Use of telephone intercepts as evidence—Authorities in foreign jurisdiction lawfully carrying out telephone intercepts in that jurisdiction—Prosecution wishing to use intercepts in trial of defendants in England for drugs offence—Whether use of evidence infringing rights to fair hearing and respect for private life—Whether policy of English law prohibiting use of intercepts in evidence regardless of where intercepts carried out—Police and Criminal Evidence Act 1984, s 78—Interception of Communications Act 1985—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, arts 6, 8. **R v P** [2001] 2 58, HL.

Sample—

Unlawfully-preserved sample—

Statutory provision requiring destruction of sample taken from defendant—Sample not being destroyed—Police using DNA profile obtained from sample in new investigation and obtaining further sample linking defendant to offence—Whether evidence obtained in new investigation admissible—Police and Criminal Evidence Act 1984, ss 64(1), (3B), 78—Human Rights Act 1998, Sch 1, art 8. **A-G's Reference (No 3 of 1999)** [2001] 1 577, HL.

Sexual offence—

Cross-examination of complainant about previous sexual experience—

Restrictions on evidence—Statutory provision restricting admissibility of evidence or questions about complainant's previous sexual history—Test for admissibility of evidence of complainant's sexual conduct for purposes of defendant's right to fair trial when evidence relevant to issue of consent—Human Rights Act 1998, s 3, Sch 1, Pt I, art 6—Youth Justice and Criminal Evidence Act 1999, s 41(3). **R v A** [2001] 3 1, HL.

Special procedure material—

Access to special procedure material—

Application for production of special procedure material. *See* Special procedure material—Application for production of special procedure material, *below*.

Application for production of special procedure material—

Access conditions—Whether judge having to be satisfied personally that access conditions fulfilled—Whether privilege against self-incrimination precluding making of production order—Police and Criminal Evidence Act 1984, s 9, Sch 1, paras 1, 2, 4. **R v Central Criminal Court, ex p Bright** [2001] 2 244, QBD.

CRIMINAL LAW

Admissions and confessions—

Generally. *See* **Criminal evidence** (Admissions and confessions).

Affray—

Public place—

Elements of offence—Threat of unlawful violence towards another—Whether overt possession of weapon capable of constituting threat of violence when not used or brandished in violent manner—Whether threat of violence having to be directed to person present at scene—Public Order Act 1986, s 3(1). **I v DPP** [2001] 2 583, HL.

Appeal—

Appeal against conviction—

Whether person convicted of offence before implementation of human rights legislation entitled to rely in post-implementation appeal on breach of convention right by trial court—Human Rights Act 1998, ss 6(1), 7(1)(b), (6), 22(4). **R v Lambert** [2001] 3 577, HL.

Court of Appeal. *See* Court of Appeal, *below*.

CRIMINAL LAW (cont)—

Appeal (cont)—

Criminal cause or matter—

Restraint orders made for purpose of aiding enforcement of external confiscation order—Judge subsequently setting aside restraint orders—Whether Court of Appeal, Civil Division, having jurisdiction to entertain appeal against judge's decision—Whether judge's decision in a 'criminal cause or matter'—Supreme Court Act 1981, s 18(1)(a). **United States Government v Montgomery (Montgomery, third party)** [2001] 1 815, HL.

House of Lords—

Generally. *See* **House of Lords**.

Unsafe conviction—

Approach to be adopted in determining whether conviction unsafe—Criminal Appeal Act 1968, s 2—Human Rights Act 1998, Sch 1, Pt I, art 6. **R v Togher** [2001] 3 463, CA.

Assault—

Indecent assault. *See* **Indecent assault, below**.

Bail—

Magistrates' court—

Arrest of bailed person for absconding or breaking bail conditions—Proceedings to determine whether bailed defendant should be remanded in custody following breach of bail condition—Whether such proceedings subject to right to fair hearing in determination of criminal charge under human rights convention—Whether breach of bail condition having to be proved by oral or other admissible evidence and to criminal standard of proof—Bail Act 1976, s 7—Human Rights Act 1998, Sch 1, Pt I, arts 5, 6. **R (on the application of the DPP) v Havering Magistrates' Court** [2001] 3 997, QBD.

Committal—

Remand in custody—

Custody time limits—Extension of time limits—'Good and sufficient cause'—Whether Bail Act considerations relevant when court considering whether there was good and sufficient cause to extend custody time limit—Prosecution of Offences Act 1985, s 22(3). **R (on the application of Eliot) v Crown Court at Reading** [2001] 4 625, QBD DC.

Custody time limits—Police charging appellant with murder—Prosecution producing no evidence in relation to murder charge on day custody time limit expiring and instead laying fresh information charging appellant with manslaughter—Whether laying of information in respect of manslaughter charge giving rise to new custody time limit—Whether new custody time limit compatible with right to liberty—Criminal Law Act 1967, s 6—Human Rights Act 1998, Sch 1, Pt I, art 5—Prosecution of Offences (Custody Time Limits) Regulations 1987, reg 4(4). **R v Crown Court at Leeds, ex p Wardle** [2001] 2 1, HL.

Confiscation order—

Drug trafficking offence. *See* **Drugs** (Drug trafficking—Confiscation order).

Generally. *See* **Sentence** (Confiscation order).

Contempt of court. *See* **Contempt of court** (Criminal contempt).

Conviction—

Appeal against conviction—

Generally. *See* **Appeal, above**.

Costs—

Award out of central funds—

Defendant acquitted—Whether payment to be made out of central funds only in respect of costs actually paid by defendant—Prosecution of Offences Act 1985, ss 16(6), 20—Costs in Criminal Cases (General) Regulations 1986, reg 6(2). **R (on the application of McCormick) v Liverpool City Magistrates' Court** [2001] 2 705, QBD.

Taxation—

Legal aid—Generally. *See* **Legal aid** (Taxation of costs—Criminal proceedings).

Court of Appeal—

Jurisdiction—

Appeal against sentence—Sentence fixed by law—Court imposing on claimants mandatory life sentences for murder—Claimants seeking judicial review of sentences as incompatible with rights under human rights convention—Whether Court of Appeal having jurisdiction to hear matter as appeal against sentence—Criminal Appeal Act 1968, s 9(1)—Supreme Court Act 1981, s 29(3)—Human Rights Act 1998, s 3(1). **R (on the application of Lichniak) v Secretary of State for the Home Department** [2001] 4 934, QBD and CA.

Crown Court—

Generally. *See* **Crown Court**.

Drugs—

Offences. *See* **Drugs**.

Evidence. *See* **Criminal evidence**.

Extradition—

Generally. *See* **Extradition**.

House of Lords—

Appeal from Court of Appeal, Criminal Division. *See* **House of Lords** (Appeal from Court of Appeal, Criminal Division).

Generally. *See* **House of Lords**.

Identity—

Evidence as to. *See* **Criminal evidence** (identity).

Indecent assault—

Assault by man on girl under 16—

Mental element—Defendant being charged with indecent assault on 14-year-old girl—Defendant alleging that girl consented and that he believed her to be 16—Whether prosecution having to prove absence of genuine belief that girl was 16 or over—Sexual Offences Act 1956, s 14. **R v K** [2001] 3 897, HL.

Legal aid—

Taxation of costs. *See* **Legal aid** (Taxation of costs—Criminal proceedings).

CRIMINAL LAW (cont)—

Murder—

Diminished responsibility—

Burden of proof—Whether statutory provision requiring defendant to prove diminished responsibility compatible with human rights convention—Homicide Act 1957, s 2(2)—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 6. **R v Lambert** [2001] 1 1014, CA.

Sentence—

Generally. See **Sentence**.

Remand in custody. See **Committal**—Remand in custody, *above*.

Sentence—

Generally. See **Sentence**.

Young person. See **Sentence** (Young person).

Sex offender order. See **Magistrates** (Order—Sex offender order).

Special procedure material—

Generally. See **Criminal evidence** (Special procedure material).

Stay of proceedings. See **Trial**—Stay of proceedings, *below*.

Telephone—

Interception of telephone calls—

Use of telephone intercepts as evidence in criminal proceedings. See **Criminal evidence** (Interception of communications—Telephone intercepts).

Trial—

Stay of proceedings—

Abuse of process—Abuse of process application based on non-availability of videotape evidence—Guidance. **R (on the application of Ebrahim) v Feltham Magistrates' Court** [2001] 1 831, QBD.

Abuse of process—Entrapment—Circumstances in which criminal proceedings to be stayed or evidence excluded on grounds of entrapment—Whether English law on entrapment complying with right to fair trial under human rights convention—Police and Criminal Evidence Act 1984, s 78—Human Rights Act 1998, Sch 1, Pt I, art 6. **R v Looseley** [2001] 4 897, HL.

Young person—

Sentence. See **Sentence** (Young person).

CROSS-EXAMINATION

Sexual offences—

Cross-examination of complainant about previous sexual experience. See **Criminal evidence** (Sexual offence—Cross-examination of complainant about previous sexual experience).

CROWN COURT

Distribution of court business—

Classification of offences—

Allocation of business within Crown Court—New directions. **Practice Note** [2001] 4 635, CA.

Allocation of business within Crown Court—Supplementary directions. **Practice Note** [2001] 2 703, Sup Ct.

Practice—

Application for dismissal of charges—

Prosecution case depending on documentary evidence—Applicant applying for dismissal of charge on grounds that jury could not properly convict—Judge concluding that prosecution evidence not giving rise to necessary inferences as to applicant's guilt or to inferences that were compelling—Whether judge usurping role of jury—Criminal Justice Act 1987, s 6. **R (on the application of IRC) v Crown Court at Kingston** [2001] 4 721, QBD DC.

CUSTODY

Remand in custody. See **Criminal law** (Committal—Remand in custody).

CUSTOMS AND EXCISE

Importation of prohibited goods—

Knowingly concerned in fraudulent evasion of prohibition or restriction—

Indecent photographs of children under 16—Whether prosecution having to prove that defendant not only knew goods were prohibited but also nature of goods—Customs and Excise Management Act 1979, s 170(2)(b). **R v Forbes** [2001] 4 97, HL.

D

DAMAGES

Breach of contract—

Generally. See **Contract** (Damages for breach).

Deceit—

Generally. See **Deceit** (Damages).

Exemplary damages—

Misfeasance in public office—

Whether exemplary damages only available in respect of causes of action attracting such damages before 1964—Whether exemplary damages available for misfeasance in public office. **Kuddus v Chief Constable of Leicestershire Constabulary** [2001] 3 193, HL.

Human rights—

Infringement of. See **Human rights** (Infringement of human rights—Damages).

DAMAGES (cont)—

Interest

Generally. See **Interest** (Damages).

Measure of damages

Negligence

Reinsurance—Brokers—Reinsurers seeking reinsurance for part of liabilities undertaken under contract of reinsurance—Underwriters avoiding policies on ground of material non-disclosure of facts—Brokers liable to reinsurers—Whether value of reinsurance cover lost by avoidance correct measure of damages. **Aneco Reinsurance Underwriting Ltd (in liq) v Johnson & Higgins Ltd** [2001] 2 Comm 929, HL.

Mitigation of loss

Contract

Generally. See **Contract** (Damages for breach—Mitigation of loss).

Fraud

Falsely dated bill of lading inducing plaintiff to pay for consignment of bitumen—Plaintiff selling bitumen at a loss and suing defendants for deceit and conspiracy—Defendants contending that plaintiff had failed to mitigate its loss—Test for mitigation in fraud cases—Whether plaintiff failing to properly mitigate loss. **Standard Chartered Bank v Pakistan National Shipping Corp** [2001] 1 Comm 822, CA.

Negligence

Unwanted pregnancy. See **Unwanted pregnancy**—Negligence, below.

Non-pecuniary damages

Recovery of—

Contract. See **Contract** (Damages for breach—Non-pecuniary damages).

Personal injury

Amount of damages

Subsequent further injury to claimant—Assessment of damages payable by second tortfeasor to claimant who had previously been injured in earlier unrelated accident—Approach to be adopted. **Murrell v Healy** [2001] 4 345, CA.

Unwanted pregnancy

Negligence

Hospital performing sterilisation operation on woman negligently—Woman becoming pregnant and giving birth to child with behavioural difficulties—Whether damages recoverable for cost of rearing disabled child conceived as a result of negligently-performed sterilisation—Whether damages limited to costs of special needs and care attributable to child's disabilities. **Parkinson v St James and Seacroft University Hospital NHS Trust** [2001] 3 97, CA.

Wrongful dismissal

Generally. See **Contract** (Damages for breach—Wrongful dismissal).

DEATH

Inquest. See **Coroner** (Inquest).

DEBT

Garnishee order. See **Execution** (Garnishee order).

DECEIT

Damages

Measure of damages—

Negotiating bank failing to notice discrepancy in documents presented under letters of credit—Issuing banks refusing payment for discrepant documents—Negotiating bank bringing action against seller for deceit—Whether seller liable for costs of negotiating bank's failed proceedings against issuing banks. **KBC Bank v Industrial Steels (UK) Ltd** [2001] 1 Comm 409, QBD.

DEED

Estoppel by deed. See **Estoppel** (Representation—Deed).

DEFAMATION

Generally. See **Libel and slander**.

DEMURRAGE

Generally. See **Shipping** (Demurrage).

DEPORTATION

Immigrant

Generally. See **Immigration** (Deportation).

DEPOSIT

Deposit-taking business

Bank. See **Bank** (Deposit-taking business).

DESIGN

Copyright

Infringement

Fabric design. See **Copyright** (Infringement—Artistic work—Fabric design).

DIMINISHED RESPONSIBILITY

Defence—

Murder. *See* **Criminal law** (Murder—Diminished responsibility).

DIRECTOR OF COMPANY

Generally. *See* **Company** (Director).

DISABLEMENT BENEFIT

Industrial injury. *See* **Social security** (Disablement benefit).

DISCIPLINE

Solicitor. *See* **Solicitor** (Disciplinary proceedings).

DISCLOSURE

Confidential information—

Generally. *See* **Confidential information**.

Insurance. *See* **Insurance** (Disclosure).

DISCOVERY

Discovery against parties to proceedings—

Discovery for purposes of identifying other parties—

Identification of wrongdoers—Whether jurisdiction to order third party to disclose identity of wrongdoer confined to tortious conduct. **Ashworth Hospital Authority v MGN Ltd** [2001] 1 991, CA.

Discovery against persons not parties to proceedings—

Classes of documents—

Principles governing applications for discovery against non-party in respect of classes of documents—CPR 31.17. **Re Howglen Ltd** [2001] 1 376, Ch D.

Legal professional privilege—

Communications between legal advisor and client—

Minority shareholders in public limited company bringing unfair prejudice proceedings in respect of transaction approved by general meeting—Claimants seeking disclosure of legal advice given to company in respect of transaction and preparations for general meeting—Claimants relying on rule entitling shareholders to obtain otherwise privileged documents from company—Whether disclosure rule applying only to small private companies. **CAS (Nominees) Ltd v Nottingham Forest plc** [2001] 1 954, Ch D.

DISCRIMINATION

Men and women—

Employment—

Discrimination against a man. *See* **Employment** (Discrimination against a man).

Equality of treatment. *See* **Employment** (Equality of treatment of men and women).

European Community. *See* **European Community** (Equality of treatment of men and women).

Racial—

Generally. *See* **Race relations**.

DISMISSAL

Action—

Abuse of process of court. *See* **Action** (Dismissal—Abuse of process of court).

Employment—

Unfair dismissal—

Generally. *See* **Unfair dismissal**.

DIVORCE

Financial provision—

Lump sum order—

Factors to be regarded—Wife seeking financial relief in divorce proceedings—Assets of parties exceeding their financial needs—Principles governing exercise of court's discretion in such cases—Matrimonial Causes Act 1973, s 25. **White v White** [2001] 1 1, HL.

DOCTOR

Medical treatment—

Generally. *See* **Medical treatment**.

DOCUMENT

Discovery of documents. *See* **Discovery**.

DOCUMENTARY CREDIT

See **Bank** (Documentary credit).

DRAINS AND DRAINAGE

Sewerage. *See* **Public health** (Sewerage—Drainage).

DRUGS

Controlled drugs—

Unlawful possession—

Possession with intent to supply—Defence—Whether statutory provisions imposing burden of proof on defendant compatible with human rights convention—Misuse of Drugs Act 1971, ss 5(4), 28—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 6. **R v Lambert** [2001] 1 1014, CA.

Drug trafficking—

Confiscation order—

Satisfaction of order—Third party rights—Appellant's husband being convicted of drug trafficking—Prosecution alleging in Crown Court confiscation order proceedings that husband was true owner of property registered in wife's name—Crown Court judge rejecting wife's evidence that she was owner and concluding that husband was true owner—Wife reasserting claim to ownership in High Court proceedings to enforce confiscation order—Whether wife's claim abuse of process—Drug Trafficking Offences Act 1986, s 11. **Re Norris** [2001] 3 961, HL.

E

EASEMENT

Right of way—

Extent—

Claimants owning land with express right of way over defendants' land—Claimants owning another parcel of land adjacent to dominant tenement—Whether right of way could be used for purpose of cultivating land adjacent to dominant tenement. **Peacock v Custins** [2001] 2 827, CA.

ECCLESIASTICAL LAW

Chancel—

Liability to repair chancel—

Improprate rectory—Liability of lay impropriators to contribute to repair of chancel—Whether enforcement by Parochial Church Council of liability to repair chancel breaching lay impropriators' right to peaceful enjoyment of possessions under human rights convention—Chancel Repairs Act 1932—Human Rights Act 1998, s 6, Sch 1, Pt I, art 14, Pt II, art 1. **Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank** [2001] 3 393, CA.

Secular use of consecrated ground—

Burial ground—Faculty approving agreement to transfer disused burial ground to parish council as secular local authority—Parish council seeking faculty to permit holding of village dog shows and junior football tournaments in burial ground—Whether uses inconsistent with sentence of consecration—Open Spaces Act 1906, s 11(2). **Re Whixall Old Burial Ground** [2001] 2 348, Con Ct.

EMOLUMENTS

Income tax. See **Income tax** (Emoluments from office or employment).

EMPLOYMENT

Continuity—

EC Rules. See **European Community** (Employment—Continuity of employment).

Discrimination—

Discrimination against a man. See **Discrimination against a man**, below.

Racial discrimination—

Generally. See **Race relations** (Discrimination—Employment).

Discrimination against a man—

Act of discrimination—

Discrimination based on sexual orientation—Whether discrimination on grounds of sex including discrimination on grounds of sexual orientation—Sex Discrimination Act 1975, s 6—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 14. **MacDonald v Ministry of Defence** [2001] 1 620, EAT.

Dismissal—

Unfair dismissal—

Generally. See **Unfair dismissal**.

Employment clause—

Time charterparty. See **Shipping** (Time charterparty).

Equality of treatment of men and women—

Equal pay for equal work—

Equal pay for work of equal value—Statutory provision requiring equal pay claim to be lodged within six months of applicant being 'employed in the employment'—Whether claim having to be brought within six months of termination of employment or within six months of termination of work forming subject matter of claim—Equal Pay Act 1970, ss 1, 2(4). **Young v National Power plc** [2001] 2 339, CA.

European Community. See **European Community** (Equality of treatment of men and women—Equal pay for equal work).

European Community. See **European Community** (Employment).

Health and safety at work. See **Health and safety at work**.

Income tax—

Emoluments from employment. See **Income tax** (Emoluments from office or employment).

Unfair dismissal—

Generally. See **Unfair dismissal**.

EMPLOYMENT (cont)—

Working time—

Organisation of. See **Health and safety at work** (Organisation of working time).

ENDURING POWER OF ATTORNEY

See **Power of attorney** (Enduring power of attorney).

ENTRAPMENT

Stay of criminal proceedings. See **Criminal law** (Trial—Stay of proceedings—Abuse of process—Entrapment).

ENVIRONMENT

European Community. See **European Community** (Environment).

EQUALITY

Men and women—

Employment—

Discrimination against a man. See **Employment** (Discrimination against a man).

European Community. See **European Community** (Equality of treatment of men and women).

Generally. See **Employment** (Equality of treatment of men and women).

EQUAL PAY

Men and women—

European Community—

Generally. See **European Community** (Equality of treatment of men and women—Equal pay for equal work).

Generally. See **Employment** (Equality of treatment of men and women).

EQUITY

Breach of confidence—

Injunction—

Celebrity couple giving magazine exclusive rights to publish photographs of their wedding—Rival magazine planning to publish unauthorised photographs of wedding—Judge granting injunction restraining rival magazine from publishing photographs—Whether injunction should be discharged—Whether law protecting person's privacy in absence of obligation of confidence—Human Rights Act 1998, s 12, Sch 1, Pt I, arts 8, 10—Press Complaints Commission Code of Practice (1997), cl 3. **Douglas v Hello! Ltd** [2001] 2 289, CA.

Fiduciary duty—

Metal exchange broker—

Broker conducting dealings on the market for traders—Whether broker owing fiduciary duties to traders. **Brandeis (Brokers) Ltd v Black** [2001] 2 Comm 980, QBD.

Undue influence—

Misrepresentation by person exercising influence—

Effect of misrepresentation—Son-in-law and mother-in-law—Constructive notice of misrepresentation or undue influence—Son-in-law acquiring loan secured by charge over property owned solely by claimant—Son-in-law misrepresenting effect of charge to claimant—Son-in-law failing to make repayments—Claimant seeking to rescind mortgage agreement—Whether finance company fixed with constructive notice of undue influence—Whether finance company taking reasonable steps to dispel effect of constructive notice. **Wright v Cherrytree Finance Ltd (Scott and another, Pt 20 defendants)** [2001] 2 Comm 877, CA.

Presumption of undue influence—

Husband and wife—Constructive notice of undue influence—Bank charge over matrimonial home—Steps to be taken by bank to avoid having constructive notice of husband's misrepresentation to wife or undue influence over her—Duty of solicitor acting for wife—Principles and guidance. **Barclays Bank plc v Coleman** [2001] 4 449, HL.

Husband and wife—Constructive notice of undue influence—Bank charge over matrimonial home—Steps to be taken by bank to avoid having constructive notice of husband's misrepresentation to wife or undue influence over her—Duty of solicitor acting for wife—Principles and guidance. **Royal Bank of Scotland plc v Etridge (No 2)** [2001] 4 449, [2001] 2 Comm 1061, HL.

Husband and wife—Constructive notice of undue influence—Bank charge over matrimonial home—Wife receiving legal advice before entering into transaction—Principles to be applied in determining whether provision of legal advice rebutting presumption of undue influence. **Barclays Bank plc v Goff** [2001] 2 Comm 847, CA.

Manifest disadvantage—Whether 'manifest disadvantage' necessary to give rise to rebuttable evidential presumption of undue influence. **Barclays Bank plc v Coleman** [2001] 4 449, HL.

Manifest disadvantage—Whether 'manifest disadvantage' necessary to give rise to rebuttable evidential presumption of undue influence. **Royal Bank of Scotland plc v Etridge (No 2)** [2001] 4 449, [2001] 2 Comm 1061, HL.

ESTOPPEL

Issue estoppel—

Issue—

Relationship between employer and employee breaking down over dispute about safety of instructions given to employee—Employee being dismissed and complaining of unfair dismissal on procedural grounds—Industrial tribunal upholding complaint but awarding no compensation after concluding that employee's conduct contributing 100% to dismissal—Employee bringing action based on safety issues against employer for damages arising from his dismissal—Whether tribunal's earlier decision giving rise to issue estoppel in respect of subject matter of employee's action—Employment Protection (Consolidation) Act 1978, s 74(1), (6). **Friend v Civil Aviation Authority** [2001] 4 385, CA.

ESTOPPEL (cont)—

Representation—

Deed—

Attestation of signature—Statutory provision requiring deed to be signed in presence of witness who attested signature—Defendants and witness signing deed—Defendants knowing that witness had not signed deed in their presence—Claimant contending that defendants estopped from denying validity of deed—Whether statutory requirement for attestation precluding operation of estoppel—Law of Property (Miscellaneous Provisions) Act 1989, s 1. **Shah v Shah** [2001] 4 138, CA.

EUROPEAN COMMUNITY

Action for annulment—

Admissibility—

Danish TV company retransmitting television broadcasts containing pornographic images across frontiers of various member states—United Kingdom taking measures to restrict retransmissions—European Commission finding restrictions compatible with Community law—TV company applying for annulment of Commission decision—Whether TV company being 'directly concerned' by decision—Council Directive (EEC) 89/552 EC Treaty, art 173 (now art 230 EC). **Danish Satellite TV A/S (Eurotica Rendez-Vous Television) v EC (United Kingdom intervening)** (Case T-69/99) [2001] EC 577, CFI.

Procedure. See Procedure—Action for annulment, *below*.

Citizenship—

Person holding nationality of a member state—

Citizenship of the Union—British overseas citizen not having right under national legislation to enter and remain in United Kingdom—Declarations by United Kingdom concerning definition of 'national'—Effect in Community law of declarations—British Nationality Act 1981—Final Act of Accession of the Kingdom of Denmark, Ireland and the United Kingdom to the European Communities 1972—EC Treaty, arts 8, 8a (now EC, arts 17, 18). **R (on the application of Kaur) v Secretary of State for the Home Dept (JUSTICE intervening)** (Case C-192/99) [2001] EC 250, ECJ.

Competition—

Rules on competition. See Rules on competition, *below*.

Consumer protection—

Consumer credit—

Contract of guarantee for repayment of loan—Neither guarantor nor principal debtor acting in course of trade or profession—Guarantor purporting to cancel guarantee—Principal debtor failing to meet loan obligations—Creditor obtaining order that guarantor fulfil guarantee obligations—Guarantor claiming protection under Community consumer credit rules—Whether contract of guarantee covered by Community rules—Council Directive (EEC) 87/102. **Berliner Kindl Brauerei AG v Siepert** (Case C-208/98) [2001] EC 673, ECJ.

Product liability—

Whether unavailability of risk relevant in determining whether product defective—Whether unavoidable risk falling within development risks defence if producer unable to discover defect in particular product by means of accessible information—Consumer Protection Act 1987—Council Directive (EEC) 85/374, arts 6, 7(e). **A v National Blood Authority** [2001] 3 289, QBD.

Employment—

Continuity of employment—

Transfer of trade, business or undertaking—Transfer of undertaking from public body to private company owned by state—Whether Community provisions applicable to transfer of undertaking—Whether in calculating employees' financial rights transferee required to take into account entire service both in its employment and in that of transferor—Council Directive (EEC) 77/187, arts 1, 3. **Collino v Telecom Italia SpA** (Case C-343/98) [2001] EC 405, ECJ.

Transfer of undertaking, business or part of business—Non-maritime public transport services—Bus routes—Awarding of public service contract under Community public procurement procedure—No contract between old and new contractors—No significant assets being transferred—Whether Community provisions on transfer of undertakings applying to transaction—Whether transfer of economic entity occurring—Council Directive (EEC) 92/50—Council Directive (EEC) 77/187, art 1(1). **Oy Liikenne Ab v Liskojärvi** (Case C-172/99) [2001] EC 544, ECJ.

Equality of treatment of men and women. See Equality of treatment of men and women, *below*.

Obligation to inform employees of conditions applicable to contract or employment relationship—

Normal working day—Rules on overtime—Rules of evidence—Whether employer obliged to bring to notice of employee contractual term concerning overtime—Whether essential element of contract not mentioned in written document or mentioned with insufficient precision being inapplicable—Whether, where employer breaching obligation to provide information, national court required to apply national laws of evidence—Council Directive (EEC) 91/533, arts 2, 6, 8. **Lange v Georg Schünemann GmbH** (Case C-350/99) [2001] EC 481, ECJ.

Working time—

Organisation. See **Health and safety at work** (Organisation of working time—Scope of European Community provisions).

Environment—

Conservation of natural habitats and of wild fauna and flora—

Definition of boundaries of sites eligible for designation as special areas of conservation—Secretary of State proposing Severn Estuary as eligible site—Discretion of member states—Whether member states being able to take account of economic, social and cultural requirements when selecting and defining boundaries of sites—Council Directive (EEC) 92/43, arts 2(3), 4(1). **R (on the application of First Corporate Shipping Ltd) v Secretary of State for the Environment, Transport and the Regions (World Wide Fund for Nature UK, intervening)** [2001] EC 177, ECJ.

EUROPEAN COMMUNITY (cont)—

Environment (cont)—

Genetically modified organisms—

National decree authorising marketing of genetically modified maize—Application to annul decree as having been adopted on basis of incomplete information as to impact on human health—Whether competent authority which forwarded application to Commission with favourable opinion obliged to give consent to marketing of product—Whether authority retaining discretion not to give such consent—Whether matter should be referred to Court of Justice for preliminary ruling—Council Directive (EEC) 90/220. **Association Greenpeace France v Ministère de l'Agriculture et de la Pêche (Case C-6/99)** [2001] EC 791, ECJ.

Equality of treatment of men and women—

Equal pay for equal work—

Pay—Salary supplement—Woman employee receiving salary supplement of amount less than male comparator—Both employees classified under same grade of same job category under collective agreement—Woman claiming direct discrimination on grounds of sex—Significance of classification under collective agreement—Burden of proving discrimination—Significance of individual working capability—Council Directive (EEC) 75/117—EC Treaty, art 119 (now art 141 EC). **Brunnhofer v Bank der Österreichischen Postsparkasse AG (Case C-381/99)** [2001] EC 693, ECJ.

Pension—Occupational pension schemes excluding part-time workers from membership in contravention of Community law—National legislation requiring claims to be brought within six months of termination of employment—Whether legislation compatible with Community law—Principle of effectiveness—Principle of equivalence—Equal Pay Act 1970, s 2(4)—EC Treaty, art 119 (now art 141 EC). **Preston v Wolverhampton Healthcare NHS Trust** [2001] 3 947, HL.

Working conditions—

Pregnancy—Pregnant woman recruited under fixed-term employment contract—Worker knowing she was pregnant at time of conclusion of contract—Worker failing to inform employer—Worker unable to perform work for substantial portion of period of employment—Worker dismissed—Whether Community legislation precluding dismissal—Council Directive (EEC) 76/207, art 5(1)—Council Directive (EEC) 92/85, art 10. **Tele Danmark A/S v Handels-og Kontorfunktionærernes Forbund i Danmark (acting on behalf of Brandt-Nielsen)** [2001] EC 941, ECJ.

European Court of Justice—

Court of First Instance—

Rules of procedure of Court of Justice and Court of First Instance consolidated in codified version—Consolidated rules including recent amendments relating to expedited procedure—Rules of Procedure of the Court of Justice, art 62a—Rules of Procedure of the Court of First Instance, art 76a. **Practice Note** [2001] EC 671, ECJ.

Freedom of establishment—

Principle of non-discrimination—

Czech applicants arriving in member state without prior entry clearance—Applicants seeking leave to enter member state with view to self-employment—Immigration officers not satisfied as to financial viability of applicants' businesses—Applicants refused leave in accordance with national immigration legislation—Whether applicants could rely on EC-Czech Association Agreement—Whether agreement conferring rights of establishment—Whether agreement precluding national rules—EC-Czech Association Agreement 1994, arts 45, 59. **R (on the application of Barkoci) v Secretary of State for the Home Department** [2001] EC 903, ECJ.

Direct internal taxation—Corporation tax—United Kingdom law allowing resident subsidiaries to pay dividends to parent companies resident in United Kingdom without having to pay advance corporation tax—Regime providing cash flow advantage over subsidiaries with non-resident parent companies—Whether regime constituting discriminatory treatment contrary to Community law—Whether discrimination justified—Whether companies ought to have applied for advantage and challenged subsequent refusal before national courts—Income and Corporation Taxes Act 1988, ss 14, 247—EC Treaty, arts 52, 58 (now arts 43 EC, 48 EC). **Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98)** [2001] EC 496, ECJ.

Freedom of movement—

Goods—

Description and labelling—National legislation on the marketing of a product—National legislation requiring that labelling should not give rise to confusion in mind of consumer—National legislation corresponding to Community provision—Whether national legislation being compatible with Community law—Council Directive (EEC) 79/112—EC Treaty, art 30 (now EC, art 28). **Geffroy (Criminal proceedings against) (Case C-366/98)** [2001] EC 222, ECJ.

Goods and services. *See* Freedom of movement—Goods and services, *below*.

Goods and services—

Swedish publication containing advertisements for alcoholic beverages—National legislation prohibiting such advertisements—Ombudsman applying for injunction to restrain publication of advertisements—Whether national legislation constituting measure having effect equivalent to quantitative restriction—Whether national legislation constituting restriction on freedom to provide services—Whether restriction justified in interests of protection of health—EC Treaty, arts 30, 36, 56, 59 (now EC, arts 28, 30, 46, 49). **Konsumentombudsmannen (KO) v Gourmet International Products AB (Case C-405/98)** [2001] EC 308, ECJ.

Persons and services—

Restriction on freedom—Football banning order—Whether football banning order contravening Community law on freedom of movement—Football Spectators Act 1989, s 14B—EC Treaty, art 49—Council Directive (EEC) 64/221. **Gough v Chief Constable of the Derbyshire Constabulary** [2001] 4 289, QBD DC.

Workers. *See* Workers—Freedom of movement, *below*.

Health and safety at work. *See* Health and safety at work.

EUROPEAN COMMUNITY (cont)—

Procedure—

Action for annulment—

Appeals—Pleas in law—Infringement of essential procedural requirements—Failure to authenticate decisions adopted by the College of Commissioners—Issue that could be raised of the court's own motion—Whether authentication having to take place before notification—Commission Rules of Procedure (EEC) 63/41, art 12. **European Commission v Imperial Chemical Industries plc (Case C-286/95 P)** [2001] **EC** 439, ECJ.

Product liability. *See* Consumer protection—Product liability, *above*.

Public procurement—

Services—

Non-profit-making body responsible for organising fairs and exhibitions—Body operating in competitive environment—Body managed according to criteria of performance, efficiency and cost-effectiveness—Definition of 'contracting authority'—Whether body 'governed by public law'—Whether body meeting 'needs in the general interest, not having an industrial or commercial character'—Council Directive (EEC) 92/50, art 1(b). **Agorà Srl v Ente Autonomo Fiera Internazionale di Milano (Joined cases C-223/99 and C-260/99)** [2001] **EC** 769, ECJ.

Road transport—

Social provisions relating to road transport—

Passenger vehicle—Limitation of driver's time on duty—Tachograph record sheets—Obligation to record periods of work, breaks in work and rest periods—Driver performing transport services falling outside scope of Community rules—Time spent performing duties not being recorded on tachograph sheets—Drivers travelling by car from homes or operating centre to pick-up point—Time spent reaching point not being recorded on tachograph sheets—Whether lack of recording on tachograph sheets being contrary to Community provisions—Transport Act 1968, s 97—Council Regulation (EEC) 3820/85—Council Regulation (EEC) 3821/85, art 15. **Skills Motor Coaches Ltd (Criminal proceedings against) (Case C-297/99)** [2001] **EC** 289, ECJ.

Rules on competition—

Agreements preventing, restricting or distorting competition—

Application of Commission decision relating to an investigative procedure under Community law—Decision prohibiting supply to retailers of freezer cabinets for the exclusive sale of ices manufactured by supplier of cabinets—Parallel proceedings before national and Community courts—Obligations of national courts where such decision being subject of action before Court of First Instance—Whether national courts required to stay proceedings pending disposal of appeal to Community courts against Commission's decision—EC Treaty, arts 85(1), 86, 173, 177 (now EC, arts 81(1), 82, 230, 234). **Masterfoods Ltd v HB Ice Cream Ltd** [2001] **EC** 130, ECJ.

Exclusive purchasing obligation—Networks of vertical supply agreements—Service station agreements—Duration—Network consisting of agreements with a remaining duration of one to ten years—Significant contribution made by one supplier's contracts to the closing-off of the market—Distinction between the contracts of the same supplier—Whether agreements being prohibited by Community law—EC Treaty, art 85(1) (now EC, art 81(1)). **Neste Markkinointi Oy v Yötuuli Ky** [2001] **EC** 76, ECJ.

Leasing of public houses—Beer tie clause—Claimant bringing action in debt for unpaid supplies made pursuant to beer tie clause—Defendant contending that beer tie was contrary to Community competition rules—Rule of national law prohibiting party to illegal agreement from claiming damages from other party—Whether party to contract prohibited by Community provision could rely on breach of provision to obtain relief—Whether Community law precluding rule of national law—Factors to be taken into consideration in assessing merits of claim for damages—EC Treaty, art 85 (now art 81 EC). **Courage Ltd v Crehan** [2001] **EC** 886, ECJ.

Sugar market—Meetings between sugar producers and merchants concerning price of industrial sugar and future prices—Whether meetings having anti-competitive purpose or effect—EC Treaty, art 85 (now art 81 EC). **Tate & Lyle plc v European Commission (Joined cases T-202/98, T-204/98 and T-207/98)** [2001] **EC** 839, CFI.

Undertaking manufacturing and marketing medicinal products—Undertaking having subsidiaries in all member states—Spanish and French wholesalers exporting products to United Kingdom—Undertaking introducing unilateral policy designed to reduce parallel imports—Commission finding that policy constituting prohibited agreement between undertakings—Meaning of 'agreement between undertakings'—Proof of existence of agreement—Whether being concurrence of wills—Commission Decision EC 96/478—EC Treaty, art 85(1) (now EC, art 81(1)). **Bayer AG v European Commission** [2001] **EC** 1, CFI.

Social security—

Workers—

Freedom of movement. *See* Workers—Freedom of movement—Social security, *below*.

State aids—

Concept of state aid—

Renewable sources of energy—National legislation requiring electricity supply undertakings to purchase electricity at minimum prices and apportioning resulting costs between those undertakings and upstream network operators—Legislation establishing mechanism under which upstream supplier compensating supply undertaking—Whether compensation mechanism constituting state aid—Whether national legislation compatible with Community law on free movement of goods—EC Treaty arts 30, 92, 93(3) (now EC, arts 28, 87, 88(3)). **PreussenElektra AG v Schleswag AG (Windpark Reußenköge III GmbH intervening) (Case C-379/98)** [2001] **EC** 330, ECJ.

Recapitalisation of airline by public authorities—

Restructuring plan involving capital injections by state finance company—Commission considering capital injections being state aids—Commission considering that private investor test not satisfied—Airline applying for annulment of Commission decision—Whether Commission misapplying private investor test—Whether Commission making manifest errors of appreciation—Commission Decision EC 97/789—EC Treaty, arts 92, 93 (now EC, arts 87, 88). **Alitalia-Linee Aeree Italiane SpA v European Commission (supported by Air Europe SpA, intervening) (Case T-296/97)** [2001] **EC** 193, CFI.

EUROPEAN COMMUNITY (cont)—

Taxation—

Internal taxes—

Corporation tax—Recovery of sums paid but not due—United Kingdom law allowing resident subsidiaries to pay dividends to parent companies resident in United Kingdom without having to pay advance corporation tax—Regime constituting discriminatory treatment contrary to Community law—Whether discrimination giving rise to restitutionary right to payment by way of interest on advanced corporation tax paid by subsidiaries of non-resident parent companies.

Metallgesellschaft Ltd v IRC (Joined cases C-397/98 and C-410/98) [2001] EC 496, ECJ.

Value added tax—

Exemptions—

Insurance transactions—Parent insurance company conducting insurance business of subsidiary—Parent company assuming no insurance liability—Insurance contracts concluded in subsidiary's name—Whether parent company's services 'insurance transactions'—Council Directive (EEC) 77/388, art 13B(a). **Re Försäkringsaktiebolaget Skandia (publ) (Case C-240/99)** [2001] EC 822, ECJ.

Input tax—

Deductibility of input tax—Holding companies collecting share dividends and loan interest from its subsidiaries—Companies being involved in management of subsidiaries—Undertakings being subject to tax on only one part of operations—Deductible proportion—Calculation of value added tax on dividends and interest on loans—Whether dividends and loan interest to be taken into account in determining holding companies' deductible proportion of input tax—Council Directive (EEC) 77/388, art 19(1). **Floridienne SA v Belgium** [2001] EC 37, ECJ.

Deductibility of input tax—Transfer of totality of assets or part thereof—National law transposing Community law treating transfer as neither supply of goods nor services—Whether transferor able to deduct VAT on professional fees incurred in order to effect transfer—Value Added Tax (Special Provisions) Order 1995, SI 1995/1268, art 5(1)—Council Directive (EEC) 77/388, arts 5(8), 17. **Abbey National plc v Customs and Excise Comrs (Case C-408/98)** [2001] EC 385, ECJ.

Supply of goods or services—

Determination of value—Retailer selling goods to customers and issuing invoice in respect of advertised price—Retailer offering customers option of paying for goods with interest-free credit—Customers wishing to pay for goods using interest-free credit entering into agreement with finance company whereby finance company undertaking to lend customer sum equal to advertised price of goods and to pay that amount directly to retailer—Customer repaying amount of loan from finance company by way of monthly instalments—Finance company deducting commission from amount payable to retailer—Whether retailer required to account for value added tax on full sales price invoiced to customer—Council Directive (EEC) 77/388, art 11A(1)(a). **Customs and Excise Comrs v Primback Ltd (Case C-34/99)** [2001] EC 714, ECJ.

Municipal beverage duty levied in respect of sales of alcoholic and non-alcoholic beverages and ice cream—Beverage duty payable pursuant to national legislation—Whether beverage duty similar to turnover tax—Whether beverage duty according with general scheme of Community VAT and excise duty rules—Whether Community rules precluding the maintenance of duty—Council Directive (EEC) 77/388, art 33—Council Directive (EEC) 92/12, art 3. **Evangelischer Krankenhausverein Wien v Abgabenberufungskommission Wien** [2001] EC 735, ECJ.

Supply of services—

Place of supply—Advertising services—Services of same nature supplied indirectly to advertiser and invoiced to third party invoicing services in turn to advertiser—National rules providing that suppliers established in France exempted from charging value added tax where services supplied outside France—National administrative instruction limiting exemption to services supplied directly to advertiser and not through intermediary of advertising agency—Whether instruction compatible with Community law—Meaning of 'supply of advertising services'—Council Directive (EEC) 77/388, art 9(2). **Syndicat des Producteurs Indépendants v Ministère de l'Économie, des Finances et de l'Industrie (Case C-108/00)** [2001] EC 564, ECJ.

Workers—

Freedom of movement—

Derogations—Decisions regarding foreign nationals—Community national not being in possession of residence permit—Community national refused leave to enter United Kingdom—Community national granted temporary admission to United Kingdom pending removal—Procedural safeguards—Whether decision of United Kingdom authorities constituting 'decision concerning entry'—Immigration Act 1971, s 13—Council Directive (EEC) 64/221, arts 8, 9. **R (on the application of Viadom) v Secretary of State for the Home Dept (Case C-357/98)** [2001] EC 267, ECJ.

Professional basketball players—Sporting association rules on transfers of players prohibiting basketball club from fielding players from other member states in matches in national championship where the transfer having taken place after specified date—Whether rules infringing Community provisions on free movement of workers—EC Treaty, art 48 (now EC, art 39). **Lehtonen v Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Ligue Belge Belgische Liga ASBL, intervening)** [2001] EC 97, ECJ.

Self-employed commercial agent carrying on activity in a member state—Principal being established in a non-member country—Agency contract being governed by Californian law—Whether Community law applicable to contract—Council Directive (EEC) 86/653, arts 17, 18—Commercial Agents (Council Directive) Regulations 1993, reg 1(2), (3). **Ingmar GB Ltd v Eaton Leonard Technologies Inc** [2001] EC 57, [2001] 1 Comm 329, ECJ.

Social security—Migrant workers from one member state posted to another member state—Workers carrying out construction work for undertaking—Undertaking performing all activities in second state—Whether Community legislation applying to workers—Council Regulation (EEC) 1408/71, arts 13, 14. **Plum v Allgemeine Ortskrankenkasse Rheinland, Regionaldirektion Köln (Case C-404/98)** [2001] EC 240, ECJ.

Working time—

Organisation of. *See* **Health and safety at work** (Organisation of working time).

EUROPEAN COURT OF JUSTICE

Generally. See **European Community** (European Court of Justice).

Reference to—

Injunction restraining enforcement of legislation pending reference to European Court. See **Injunction** (Interlocutory—Reference to European Court).

EVIDENCE

Bankers' books—

Records of meetings—

Whether records of meetings constituting bankers' books for purposes of disclosure—Bankers' Books Evidence Act 1879, s 9(2). **Re Howglen Ltd** [2001] 1 376, Ch D.

Court of Appeal—

Generally. See **Court of Appeal** (Evidence).

Criminal proceedings. See **Criminal evidence**.

Disqualification of company director. See **Company** (Director—Disqualification—Evidence).

Expert evidence—

Experts' reports—

Personal injuries action. See **Practice** (Personal injuries action—Experts' reports).

Extradition—

Committal. See **Extradition** (Committal—Evidence).

Fresh evidence—

Court of Appeal—

Generally. See **Court of Appeal** (Evidence—Further evidence).

Without prejudice negotiations—

Scope of without prejudice rule—

Defendant allegedly stating intention to bring patent infringement proceedings at without prejudice meeting with claimant—Claimant using statement to ground proceedings for declaration of non-infringement—Whether defendant's statement protected by without prejudice rule—Patents Act 1977, s 70. **Unilever plc v The Proctor & Gamble Co** [2001] 1 783, HL.

EXECUTION

Garnishee order—

Debts owing or accruing from foreign judgment debtors—

Garnishee bank incorporated and resident in Hong Kong but having place of business in England—Judgment debtors having accounts with garnishee bank in Hong Kong—Whether exposure of garnishee to real risk of having to pay debt twice under foreign judgment making it inequitable for court to make garnishee order absolute. **Societe Eram Shipping Co Ltd v Compagnie Internationale de Navigation** [2001] 1 Comm 843, QBD.

Leave to issue execution—

Application for permission to issue execution more than six years after judgment—

Principles governing exercise of court's discretion to permit execution more than six years after judgment—CPR Sch 1, RSC Ord 46, r 2. **Duer v Frazer** [2001] 1 249, QBD.

Warrant—

Northern Ireland. See **Arrest** (Warrant—Execution).

EXEMPLARY DAMAGES

Generally. See **Damages** (Exemplary damages).

EXPERT

Report—

Personal injuries action—

Generally. See **Practice** (Personal injuries action—Experts' reports).

EXTRADITION

Committal—

Evidence—

Evidence sufficient to justify committal—Admissibility—Exclusion of evidence—Indian government seeking applicant's extradition and relying on English-language deposition made in India by alleged accomplice—Deposition purporting to be translation by Indian magistrate of evidence given on oath in Hindi—Whether secondary evidence admissible in extradition proceedings—Whether magistrate having to determine disputed issues of fact relating to making of statement implicating applicant—Police and Criminal Evidence Act 1984, s 78—Extradition Act 1989, s 27(1). **Re Saifi** [2001] 4 168, QBD DC.

Exclusion of evidence—Circumstances in which evidence obtained—Confession—Applicant being suspected of murder committed in Canada—Applicant making confessions during undercover operation by Canadian police in England—Confessions forming evidential basis of extradition proceedings—Magistrate not excluding confessions—Whether evidence ought to have been excluded—Approach to be adopted by Divisional Court when reviewing magistrate's decision on admissibility in extradition proceedings—Police and Criminal Evidence Act 1984, ss 76, 78—Extradition Act 1989, s 9(8). **Re Proulx** [2001] 1 57, QBD.

Sufficiency—United States government relying on evidence of anonymous witness in extradition proceedings—Magistrate admitting evidence even though not satisfied that witness's creditworthiness had been investigated and disclosed—Whether evidence of anonymous witness inadmissible—Whether use of anonymous witness infringing applicant's right to take proceedings to question lawfulness of detention—Human Rights Act 1998, Sch 1, Pt I, art 5(4). **Re Al-Fawwaz** [2001] 4 149, QBD DC.

Discharge of fugitive—

Circumstances rendering it unjust or oppressive to return fugitive—

Accusation against fugitive not made in good faith in interests of justice—Whether 'accusation' referring to request for extradition or facts supporting request—Extradition Act 1989, s 11(3)(c). **Re Saifi** [2001] 4 168, QBD DC.

EXTRADITION (cont)—

Fugitive offender—

Relevant offence—

Extra-territorial offence—Fugitive offender accused of conspiring with others to murder United States citizens—Whether alleged offence having to be committed within United States territory—Extradition Act 1989, Sch 1—United States of America (Extradition) Order 1976. **Re Al-Fawwaz** [2001] 4 149, QBD DC.

F

F O T CONTRACT

Delivery. *See* **Sale of goods** (Delivery—F o t contract).

FABRIC DESIGN

Copyright—

Infringement. *See* **Copyright** (Infringement—Artistic work—Fabric design).

FAIR HEARING

Right to fair hearing—

Human rights legislation. *See* **Human rights**.

FAMILY DIVISION

Practice—

Generally. *See* **Practice** (Family Division).

FAMILY PROCEEDINGS

Orders in family proceedings—

Costs orders—

Whether order for costs in family proceedings a provable debt in bankruptcy—Insolvency Rules 1986, rr 6.5(4)(d), 12.3(2)(a). **Levy v Legal Services Commission** [2001] 1 895, CA.

Power of arrest attached to non-molestation order—

Whether court entitled to impose power of arrest of shorter duration than order to which it was attached—Family Law Act 1996, ss 42, 47. **Re B-J (a child) (non-molestation order: power of arrest)** [2001] 1 235, CA.

Secure accommodation order—

Whether secure accommodation order a deprivation of liberty—Whether secure accommodation order incompatible with right to liberty under human rights convention—Children Act 1989, s 25—Human Rights Act 1998, Sch 1, Pt I, art 5. **Re K (a child) (secure accommodation order: right to liberty)** [2001] 2 719, CA.

FEE

Solicitor—

Conditional fee agreement—

Costs. *See* **Solicitor** (Costs—Conditional fee agreement).

FERTILISATION

Human fertilisation. *See* **Medical treatment**.

FIDUCIARY DUTY

Generally. *See* **Equity** (Fiduciary duty).

FINANCIAL PROVISION

Divorce. *See* **Divorce**.

FIRE

Insurance—

Generally. *See* **Insurance** (Fire insurance).

FOOTBALL

Public order. *See* **Public order** (Football).

FOREIGN IMMOVABLES

Title—

Conflict of laws. *See* **Conflict of laws** (Jurisdiction—Title to foreign immovables).

FOREIGN JUDGMENT

Enforcement and recognition. *See* **Conflict of laws** (Foreign judgment).

FOREIGN PROCEEDINGS

Restraint of foreign proceedings—

Generally. *See* **Conflict of laws** (Foreign proceedings—Restraint of foreign proceedings).

FOREIGNER

Immigration. *See* **Immigration**.

FRAUD

Damages—

Mitigation of loss. *See* **Damages** (Mitigation of loss—Fraud).

FREEDOM OF ESTABLISHMENT

European Community. *See* **European Community** (Freedom of establishment).

FREEDOM OF EXPRESSION

Defence to claim of infringement of copyright. *See* **Copyright** (Infringement—Defence—Right to freedom of expression).

Interlocutory injunction—

Principle governing grant—

Right to freedom of expression. *See* **Injunction** (Interlocutory—Principle governing grant—Right to freedom of expression).

FREEDOM OF MOVEMENT

European Community—

Generally. *See* **European Community** (Freedom of movement).

Workers. *See* **European Community** (Workers—Freedom of movement).

FRESH EVIDENCE

Appeal—

Court of Appeal. *See* **Court of Appeal** (Evidence—Further evidence).

FUGITIVE OFFENDER

Extradition. *See* **Extradition** (Fugitive offender).

G

GARNISHEE PROCEEDINGS

Order—

Generally. *See* **Execution** (Garnishee order).

GENERAL AVERAGE

See **Shipping** (General average).

GENETICALLY MODIFIED ORGANISMS

European Community. *See* **European Community** (Environment—Genetically modified organisms).

GIFT

Incomplete gift—

Perfecting gift—

Donor executing trust deed establishing charitable foundation—Deed naming donor as one of foundation's trustees—Donor making oral declaration of gift to foundation but not transferring assets to other trustees—Whether donor's words a declaration of trust—Whether trustee in whom trust property vested bound to give effect to trust by transferring property to other trustees. **Choithram (T) International SA v Pagarani** [2001] 2 492, PC.

Will—

Generally. *See* **Will** (Gift).

GRAZING RIGHTS

Common of grazing. *See* **Commons** (Right of common—Common of grazing).

GUARANTEE

Enforcement—

Misrepresentation by non-disclosure—

Guarantee given as security for trading debts—Non-disclosure of unusual feature of trading relationship—Guarantee tainted by non-disclosure—Whether court having discretion to allow enforcement of guarantee. **Far Eastern Shipping Co Public Ltd v Scales Trading Ltd** [2001] 1 Comm 319, PC.

Loss—

Recovery—

Defendants guaranteeing unpaid invoices under factoring agreement with claimant—Principal debtor terminating factoring agreement—Principal debtor subsequently entering into oral factoring agreement with claimant—Principal debtor in administrative receivership and failing to pay moneys due—Whether guarantees revoked. **Silverburn Finance (UK) Ltd v Salt** [2001] 2 Comm 438, CA.

Guarantors guaranteeing obligations under factoring agreement—Agreement requiring repurchase of factored debts—Guarantor contending that repurchase notice failing to comply with provisions of factoring agreement—Construction of factoring agreement—Construction of guarantee. **GMAC Commercial Credit Development Ltd v Sandhu** [2001] 2 Comm 782, CA.

GUARANTEE (cont)—

Validity—

Partnership guarantee—

Four partners of firm signing guarantee 'as partners ... and individuals'—Other partners not signing—Partnership deed permitting partner to enter guarantee with consent of other partners—Claimant seeking to enforce guarantee against partnership and individual partners—Whether guarantee ratified or adopted by partnership—Whether guarantee enforceable against signatories. **Bank of Scotland v Henry Butcher & Co** [2001] 2 Comm 691, Ch D.

H

HANSARD

Reference to Hansard—

Construction of statute. *See* **Statute** (Construction—Hansard).

HEALTH

Health and safety at work. *See* **Health and safety at work**.

Mental health. *See* **Mental health**.

Public health. *See* **Public health**.

HEALTH AND SAFETY AT WORK

Organisation of working time—

Paid annual leave—

Community law granting right to paid annual leave for 'every worker'—Condition for granting leave imposed by national legislation—Completion of qualifying period of employment with same employer—Whether national legislation compatible with Community law—Council Directive **EC 93/104**, art 7—Working Time Regulations 1998, reg 13. **R (on the application of the Broadcasting, Entertainment, Cinematographic and Theatre Union) v Secretary of State for Trade and Industry (Case C-173/99)** [2001] EC 647, ECJ.

Road transport—Office workers employed in road transport sector—Scope of Community legislation—Whether workers excluded from scope of legislation—Council Directive **EC 93/104**, art 1(3)—Working Time Regulations 1998, regs 13, 18. **Bowden v Tuffnells Parcels Express Ltd** [2001] EC 865, ECJ.

Scope of European Community provisions—

Doctors in primary health care teams—Doctors' union seeking declaration that all doctors working in primary care teams in Valencia region enjoying certain rights concerning working hours—Average period of work—Inclusion of time on call—Night workers and shift workers—Council Directive (EEC) 89/391—Council Directive **EC 93/104**. **Sindicato de Médicos de Asistencia Pública (Simap) v Consellería de Sanidad y Consumo de la Generalidad Valenciana (Case C-303/98)** [2001] EC 609, ECJ.

HIGHWAY

Definitive map—

Modification of deletion order—Secretary of State ordering deletion of bridleway from definitive map—Local authority seeking modification of order replacing bridleway with footpath—Inspector concluding that he had no power to make modification sought by local authority and finding that no right of way had ever existed—Whether inspector having power to confirm Secretary of State's order deleting bridleway subject to modification replacing bridleway with footpath—Whether inspector required to give special weight to entry of right of way on definitive map when determining whether it existed in fact—Wildlife and Countryside Act 1981, s 53, Sch 15. **Trevelyan v Secretary of State for the Environment, Transport and the Regions** [2001] 3 166, CA.

Negligence in relation to highway—

Generally. *See* **Negligence** (Highway).

Road traffic—

Generally. *See* **Road traffic**.

HOMICIDE

Murder. *See* **Criminal law** (Murder).

HOUSE

Long leasehold—

Acquisition of freehold or extended lease. *See* **Landlord and tenant** (Leasehold enfranchisement).

HOUSE OF LORDS

Appeal from Court of Appeal, Civil Division—

Jurisdiction—

Judicial review—Judge refusing applicant permission to apply for judicial review—Applicant asking Court of Appeal to grant permission but not seeking permission to appeal from judge's decision—Court of Appeal refusing permission to apply for judicial review and applicant appealing to House of Lords—Whether House of Lords having jurisdiction to entertain applicant's appeal. **R v Secretary of State for Trade and Industry, ex p Eastaway** [2001] 1 27, HL.

Appeal from Court of Appeal, Criminal Division—

Prosecutor's petition for leave to appeal—

Whether House of Lords having power to grant extension of time to prosecutor to apply for leave to appeal—Criminal Appeal Act 1968, s 34—Human Rights Act 1998, Sch 1, Pt 1, arts 2, 3, 6, 8. **R v Weir** [2001] 2 216, HL.

HOUSEBOAT

Whether chattel or part of land. *See* **Chattel** (Annexation to land—Houseboat).

HOUSING

Housing association—

Possession—

Jurisdiction to set aside execution of warrant of possession—Housing association obtaining warrant for possession after secure tenant falling into arrears—Tenant paying off part of arrears and mistakenly believing she had done all that was necessary to avoid execution of warrant—Tenant not applying for order suspending execution of warrant and being evicted—Whether jurisdiction to set aside execution of warrant exercisable in absence of abuse of process or oppression—Whether High Court rule requiring tenant to be given notice of application for warrant of possession to be imported into county court rules—County Courts Act 1984, s 76—Housing Act 1985, s 85(2). **Jephson Homes Housing Association v Moisejevs** [2001] 2 901, CA.

Local authority providing defendant and her children with temporary accommodation—Authority transferring property to housing association—Defendant becoming tenant under assured shorthold periodic tenancy—Legislative provision requiring court to grant possession if notice to quit given—Housing association serving notice to quit—Whether order for possession contravening right to family life under human rights convention—Housing Act 1988, s 21(4)—Human Rights Act 1998, Sch 1, Pt I, art 8. **Poplar Housing and Regeneration Community Association Ltd v Donoghue** [2001] 4 604, CA.

Tenant's right to buy housing association house—

Defendant mutual housing association letting flat to claimants—Mutual housing association not capable of satisfying 'landlord condition' for secure tenancy—Non-mutual association capable of satisfying 'landlord condition' until partial repeal of statutory provision relating to condition—Repeals not having effect in relation to tenancy while a housing association tenancy—Defendant ceasing to be mutual association and tenants claiming right to buy—Whether change of status of housing association converting tenancy into secure tenancy—Housing Act 1985, s 80—Housing Act 1988, Sch 18, para 4. **Bhai v Black Roof Community Housing Association Ltd** [2001] 2 865, CA.

Housing benefit. *See* **Social security** (Housing benefit).

HOUSING ASSOCIATION

Generally. *See* **Housing** (Housing association).

HOUSING BENEFIT

See **Social security** (Housing benefit).

HUMAN FERTILISATION

See **Medical treatment** (Human fertilisation).

HUMAN RIGHTS

Compatibility of legislation with provisions of human rights convention—

Duty of court to read and give effect to legislation in manner compatible with convention rights—

Whether duty applying to appeals by defendants from orders made before implementation of human rights legislation in proceedings brought by or at instigation of public authority—Human Rights Act 1998, ss 3(1), 6(1), 7(1)(b), 22(4). **R v Benjafield** [2001] 2 609, CA.

Infringement of human rights—

Damages—

Whether damages recoverable for future infringement of human rights—Human Rights Act 1998, s 8(4)—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 41. **Marcic v Thames Water Utilities Ltd (No 2)** [2001] 4 326, QBD.

Public authority—

Private person performing functions of public nature—

Test for determining whether private person performing public act—Human Rights Act 1998, s 6(3)(b). **Poplar Housing and Regeneration Community Association Ltd v Donoghue** [2001] 4 604, CA.

Right to a fair hearing—

Disciplinary proceedings—

Disciplinary appeal tribunal of regulatory body—Whether proceedings to be categorised as criminal—Right to silence—Privilege against self-incrimination—Convention for the Protection of Human Rights and Fundamental Freedoms, art 6. **R (on the application of Fleurose) v Securities and Futures Authority Ltd** [2001] 2 Comm 481, QBD.

Impartial and independent tribunal—

Whether Secretary of State's powers to call in applications for planning permission and recover appeals against refusal of permission incompatible with right to fair hearing by independent and impartial tribunal—Highways Act 1980, ss 14(3)(a), 16(5)(a), 18(3)(a), 125, Sch 1, Pt I, paras 1, 7, 8—Acquisition of Land Act 1981, s 2(3), Sch 1, para 4—Town and Country Planning Act 1990, ss 77, 78, 79, Sch 6, paras 3, 4—Transport and Works Act 1992, ss 1, 3 and 23(4)—Human Rights Act 1998, Sch 1, Pt I, art 6(1). **R (on the application of Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions** [2001] 2 929, QBD and HL.

Right against self-incrimination—Whether right against self-incrimination absolute—Human Rights Act 1998, Sch 1, Pt I, art 6(1). **Brown v Stott (Procurator Fiscal, Dunfermline)** [2001] 2 97, PC.

HUSBAND AND WIFE

Undue influence—

Presumption of undue influence. *See* **Equity** (Undue influence—Presumption of undue influence—Husband and wife).

IDENTITY

Evidence in criminal proceedings—
Generally. *See* **Criminal evidence** (Identity).

ILLEGALITY

Contract. *See* **Contract** (Illegality).

IMMIGRATION

Appeal—

Immigration Appeal Tribunal—

Appeal from special adjudicator—Source and nature of tribunal's power to remit appeal to special adjudicator—Whether full tribunal having power to set aside or vary order of chairman of tribunal sitting alone—Immigration Act 1971, ss 19, 20, 22—Immigration Appeals (Procedure) Rules 1984, rr 21, 38—Asylum Appeals (Procedure) Rules 1996, r 17(2). **R (on the application of the Secretary of State for the Home Department) v Immigration Appeal Tribunal** [2001] 4 430, QBD.

Asylum seeker—

Detention pending decision on claim—

Secretary of State implementing new policy on detention of asylum seekers whose claims could be decided quickly—Policy providing for short period of detention in reception centre pending decision—Claimants being detained under new policy and challenging lawfulness of detention—Whether detention infringing claimants' right to liberty under human rights convention—Immigration Act 1971, Sch 2, para 16(1)—Human Rights Act 1998, Sch 1, Pt 1, art 5(1). **R (on the application of Saadi) v Secretary of State for the Home Department** [2001] 4 961, QBD.

Deportation—

Refugee—

Asylum—Deportation back to third country—Provision of international convention protecting those with well-founded fear of persecution—Asylum seekers fearing persecution from non-state agents and arriving in United Kingdom via third countries—Third countries interpreting convention provision as applying only to persecution by state—Secretary of State certifying return of asylum seekers to third countries—Whether convention provision open to range of permissible interpretations—Asylum and Immigration Act 1996, s 2(2)(c)—Geneva Convention relating to the Status of Refugees 1951, art 1A(2). **R v Secretary of State for the Home Dept, ex p Adan** [2001] 1 593, HL.

Illegal entrant—

Application for exceptional leave to remain—

Judicial review—Illegal entrant alleging real risk of being subjected to torture or inhuman or degrading treatment or punishment on return to country of origin—Secretary of State rejecting contention and refusing to grant exceptional leave to remain—Illegal entrant challenging Secretary of State's decision in judicial review proceedings on grounds of irrationality—Whether judicial review court having primary fact-finding role on such a challenge—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 3. **R v Secretary of State for the Home Dept, ex p Turgut** [2001] 1 719, CA.

Refugee—

Deportation. *See* **Deportation—Refugee, above.**

IMPLIED TERM

Contract—

Generally. *See* **Contract** (Implied term).

IMPORTATION

Prohibition on imports—

Importation of prohibited goods—

Generally. *See* **Customs and excise** (Importation of prohibited goods).

IMPRISONMENT

Generally. *See* **Sentence** (Imprisonment).

INCOME

Income protection insurance. *See* **Insurance** (Income protection insurance).

INCOME SUPPORT

Generally. *See* **Social security** (Income support).

INCOME TAX

Avoidance—

Transfer of assets abroad—

Income payable to persons resident or domiciled out of the United Kingdom—Statutory provision deeming income of foreign transferee to be that of transferor—Whether provision relieving foreign transferee of normal liability to pay tax on its income—Income and Corporation Taxes Act 1988, s 739(2). **R v Dimsey (No 2)** [2001] 4 786, HL.

INCOME TAX (cont)—

Corporation tax—

Deduction in computing profits. *See* Deduction in computing profits—Corporation tax, *below*.

Small companies' relief—

Associated company—Control—Attributions—Whether Revenue having to make statutory attributions if requisite conditions satisfied—Identification of requisite conditions—Income and Corporation Taxes Act 1988, ss 13, 416. **R v IRC, ex p Newfields Developments Ltd** [2001] 4 400, HL.

Deduction in computing profits—

Corporation tax—

Charge on income—Interest payments—Statutory provision entitling companies to deduct from taxable profits any yearly interest 'paid'—Taxpayer company owing large arrears of interest to its owner and having no money to pay debt—Owner lending taxpayer money to pay the debt with a view to creating tax loss in taxpayer's favour—Taxpayer using the loan to discharge the interest debt—Whether taxpayer having 'paid' interest—Income and Corporation Taxes Act 1988, s 338. **MacNiven (Inspector of Taxes) v Westmoreland Investments Ltd** [2001] 1 865, HL.

Emoluments from office or employment—

Living accommodation—

Benefits in kind—Director—Shadow director—Whether shadow director having same liability to tax as director in respect of provision of living accommodation and benefits in kind—Income and Corporation Taxes Act 1988, s 168(8). **R v Allen (No 2)** [2001] 4 768, HL.

INCOMPLETE GIFT

Perfecting. *See* **Gift** (Incomplete gift—Perfecting gift).

INDECENT ASSAULT

See **Criminal law** (Indecent assault).

INDEMNITY

Costs—

Order for costs. *See* **Costs** (Order for costs—Indemnity costs).

Insurance—

Generally. *See* **Insurance** (Indemnity insurance).

Marine insurance—

Loss. *See* **Marine insurance** (Loss—Indemnity).

INFORMATION (KNOWLEDGE)

Disclosure—

Confidential information—

Journalist—Refusal to divulge source of information—Contempt of court. *See* **Contempt of court** (Refusal to disclose source of information—Journalist).

Police. *See* **Police** (Disclosure of information).

Journalist—

Refusal to divulge source of information—

Contempt of court. *See* **Contempt of court** (Refusal to disclose source of information—Journalist).

INJUNCTION

Breach of confidence. *See* **Equity** (Breach of confidence—Injunction).

Confidential information—

Generally. *See* **Confidential information** (Injunction against disclosure of information).

Power of court to restrain disclosure—

Breach of confidence. *See* **Equity** (Breach of confidence—Injunction).

Interim—

Injunction prohibiting enforcement of guarantee—

Football transfer fee—Claimant alleging fraud—Whether seriously arguable case of fraud shown. **Sunderland Association Football Club Ltd v Uruguay Montevideo FC** [2001] 2 Comm 828, QBD.

Interlocutory—

Principle governing grant—

Right to freedom of expression—Approach to be adopted on application for interim injunction engaging convention right to freedom of expression—Human Rights Act 1998, s 12, Sch 1, Pt I, art 10. **Imutran Ltd v Uncaged Campaigns Ltd** [2001] 2 385, Ch D.

Reference to European Court—

Directive banning advertising and sponsorship of tobacco products within European Community—United Kingdom government proposing to implement directive by secondary legislation—Tobacco companies challenging validity of directive and seeking injunction restraining implementation pending judgment on validity—Judge granting injunction but Court of Appeal reversing decision—Tobacco companies appealing to House of Lords—European Court of Justice holding directive invalid before determination of appeal—Whether House of Lords entitled to give ruling on questions of law raised by appeal—Council Directive EC 98/43. **R v Secretary of State for Health, ex p Imperial Tobacco Ltd** [2001] 1 850, HL.

Patent—

Infringement—

Form of order. *See* **Patent** (Infringement—Injunction).

INJURY

Compensation—

Criminal injuries. *See* **Compensation** (Criminal injuries).

INQUEST

Coroner—

Generally. See **Coroner** (Inquest).

INSENSATE PATIENT

Medical treatment—

Withdrawal of treatment. See **Medical treatment** (Withdrawal of treatment—Insensate patient).

INSOLVENCY

Bankruptcy—

Discharge—

Release of bankruptcy debts by discharge—Fraud exception—Whether undue influence constituting 'fraud' for purposes of fraud exception to release of bankruptcy debts by discharge—Insolvency Act 1986, s 281(3). **Mander v Evans** [2001] 3 811, Ch D.

Bankrupt's estate—

Vesting in trustee—

Assurance policy—Permanent disablement benefit—Appellant taking out life assurance policies containing provision for earlier payment on receipt of proof of permanent disability—Appellant suffering permanent disablement and making claims under policies—Appellant being made bankrupt—Policy provider accepting claims—Appellant's trustee in bankruptcy claiming policy moneys—Whether policy moneys belonging to bankrupt if contractual claim to them relying on bankrupt's pain and suffering. **Cork (as trustee in bankruptcy for Rawlins) v Rawlins** [2001] 4 50, CA.

Petition—

Creditor's petition—

Debts provable in bankruptcy—Whether order for costs in family proceedings a provable debt in bankruptcy—Circumstances in which bankruptcy order can be made on basis of non-provable debt—Insolvency Act 1986—Insolvency Rules 1986, rr 6.5(4)(d), 12.3(2)(a). **Levy v Legal Services Commission** [2001] 1 895, CA.

Transaction at an undervalue—

Linked transactions—

Company's assets including computer equipment held on lease—Purchaser wishing to buy company's business—Company transferring business to subsidiary and agreeing to transfer its shares in subsidiary to purchaser—Purchaser's parent company covenanting to pay rent to company for use of computer equipment—Whether parent company's covenant to be taken into account in determining whether shares sold at an undervalue—Whether covenant having any value—Insolvency Act 1986, s 238(4). **Phillips v Brewin Dolphin Bell Lawrie Ltd** [2001] 1 673, HL.

INSURANCE

After-the-event (ATE) insurance premium—

Costs—

Whether ATE insurance premium recoverable in costs-only proceedings. See **Costs** (Order for costs—Jurisdiction—After-the-event (ATE) insurance premium).

Contract of insurance—

Construction of terms—

Insured's stores damaged by riots over two days—Contract providing for limit 'per occurrence'—Meaning of expression 'per occurrence'—Whether riots constituting single occurrence. **Mann v Lexington Insurance Co** [2001] 1 Comm 28, CA.

Exclusion clause—

Incorporation in contract—Repugnancy—Insurance against material damage and business interruption—Insured renewing policy by request for quotation—Request for quotation purporting to amend exclusion clause—Whether request for quotation overriding existing exclusion clause—Whether existing exclusion clause repugnant to policy. **Great North Eastern Railway Ltd v Avon Insurance plc** [2001] 2 Comm 526, CA.

Disclosure—

Duty to disclose—

Duty of utmost good faith—Breach of duty—Damages for breach—Contracts for and of insurance—Contract including statement of truth clause—Whether statement excluding right of insurer to avoid or rescind contract—Whether insurer entitled to damages for non-disclosure or misrepresentation. **HIH Casualty and General Insurance Ltd v Chase Manhattan Bank** [2001] 1 Comm 719, QBD.

Marine insurance. See **Marine insurance** (Contract of marine insurance—Disclosure—Duty to disclose).

Fire insurance—

Condition—

Construction—Breach of condition requiring precautions to be taken when burning and welding equipment used—Precautions not taken and fire caused—Defendant not having actual knowledge of such equipment being used—Whether actual knowledge of use of equipment required for condition to apply—Whether defendants entitled to be indemnified by insurers. **Bonner-Williams v Peter Lindsay Leisure Ltd** [2001] 1 Comm 1140, QBD.

Income protection insurance—

Policy—

Claimant suffering injury—Claimant having genuine belief of disability—Whether genuine belief of disability for purposes of recovery. **Haghiran v Allied Dunbar Insurance** [2001] 1 Comm 97, CA.

Indemnity insurance—

Credit card protection plan offering cardholders indemnification and other forms of assistance on loss or theft of card—

Plan operator instructing insurance broker to arrange insurance for cardholders under block policy—Whether plan constituting one whole or several individual supplies of services—Value Added Tax Act 1983, s 17, Sch 6, Group 2—Council Directive (EEC) 77/388, art 13(B). **Card Protection Plan Ltd v Customs and Excise Comrs** [2001] 2 143, [2001] 1 Comm 438, HL.

INSURANCE (cont)—

Indemnity insurance (cont)—

Pecuniary loss indemnity insurance—

Reinsurance—Warranty—Reinsurers claiming warranty incorporated into insurance and reinsurance contracts—Insurers claiming clause requiring payment on both insurance and reinsurance contracts—Whether warranty incorporated into contracts—Whether clause precluding insurers and reinsurers from rejecting claim. **HIH Casualty & General Insurance Ltd v New Hampshire Insurance Co** [2001] 2 Comm 39, CA.

Legal expenses insurance—

Claimant solicitors acting for insured having policy of legal expenses insurance—

Insured becoming insolvent—Claimant bringing action against insurers—Whether rights under policy transferring to claimant solicitors—Third Parties (Rights Against Insurers) Act 1930, s 1. **Tarbuck v Avon Insurance plc** [2001] 2 503, [2001] 1 Comm 422, QBD.

Order for costs. *See* **Costs** (Order for costs—Legal expenses insurance).

Liability insurance—

Determination of proximate cause—

Claimants providing personal pension plans—Defendants insuring claimants against negligent advice—Claimants failing properly to train representatives—Representatives providing negligent advice—Claimants liable to investors—Whether proximate cause of claimants' loss failure to provide training or individual negligence of representatives. **Lloyds TSB General Insurance Holdings Ltd v Lloyds Bank Group Insurance Co Ltd** [2001] 1 Comm 13, QBD.

Long-term insurance business—

Transfer of. *See* Transfer of long-term insurance business, *below*.

Marine insurance—

Generally. *See* **Marine insurance**.

Motor insurance—

Generally. *See* **Motor insurance**.

Policy—

Jurisdiction—

Challenge to jurisdiction. *See* **Conflict of laws** (Jurisdiction—Challenge to jurisdiction—Insurance policy).

Premium—

After-the-event insurance premium—

Order for costs. *See* **Costs** (Order for costs—Jurisdiction—After-the-event insurance premium).

Before-the-event insurance premium—

Order for costs. *See* **Costs** (Order for costs—Legal expenses insurance—Before-the-event insurance premium).

Reinsurance—

Claims co-operation clause—

Policy requiring approval of reinsurer to settlement/compromise and admission of liability—Insurer entering into settlement/compromise—Reinsurer seeking declaration of non-liability—Whether breach of clause established only by settlement/compromise agreed with admission of liability—Whether approval of settlement not to be reasonably withheld—Whether insurer able to recover from reinsurer following breach of condition precedent although liable to insured. **Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2)** [2001] 2 Comm 299, CA.

Jurisdiction—

Conflict of laws. *See* **Conflict of laws** (Jurisdiction—Challenge to jurisdiction—Reinsurance contract).

Transfer of long-term insurance business—

Sanction by court of scheme for transfer of long-term insurance business—

Principles to be applied in exercise of court's discretion—Exchange of rights in inherited estate for incentive payment—Whether court should sanction scheme—Insurance Companies Act 1982, s 49, Pt I, Sch 2C. **Re Axa Equity & Law Life Assurance Society plc and Axa Sun Life plc** [2001] 1 Comm 1010, Ch D.

Underwriter—

Liability

Lloyd's underwriting agent—No written agreement existing between managing agent and name—Whether absence of written agreement rendering agreement unenforceable—Lloyd's Byelaw No 8 of 1988. **P & B (Run-Off) Ltd v Woolley** [2001] 1 Comm 1120, QBD.

Value added tax—

Exemption. *See* **Value added tax** (Exemptions—Insurance transactions).

INTELLECTUAL PROPERTY

Copyright—

Generally. *See* **Copyright**.

Patent. *See* **Patent**.

INTERCEPTION OF COMMUNICATIONS

Evidence—

Criminal proceedings—

Generally. *See* **Criminal evidence** (Interception of communications).

INTEREST

Damages—

Award of interest—

Enhanced interest—Power to award enhanced interest on damages and costs where defendant failing to beat claimant's Pt 36 offer—Principles governing exercise of power—CPR 36.21. **Petrotrade Inc v Texaco Ltd** [2001] 4 853, CA.

Enhanced interest—Power to award enhanced interest on damages and costs where defendant failing to beat claimant's Pt 36 offer—Whether power to be exercised in relation to jury awards in defamation cases—CPR 36.21(2). **McPhilemy v Times Newspapers Ltd (No 2)** [2001] 4 861, CA.

INTERFERENCE WITH DUE ADMINISTRATION OF JUSTICE

Contempt of court. See **Contempt of court**.

INTERLOCUTORY INJUNCTION

Generally. See **Injunction** (Interlocutory).

INTERNATIONAL CARRIAGE BY AIR

Goods. See **Carriage by air** (Carriage of goods—International carriage).

Passengers. See **Carriage by air** (Carriage of passenger—International carriage).

INTERNATIONAL CARRIAGE BY ROAD

Goods. See **Carriers**.

INTESTACY

Succession—

Exclusion from benefit—

Public policy—Murder of deceased—Plaintiff's father murdering his parents and being disqualified from succession on intestacy—Plaintiff claiming succession to grandparents' estates—Plaintiff capable of taking only if father predeceasing grandparents—Executors of grandfather's sister claiming succession to his estate on failure of trusts in favour of his issue—Whether disqualified child of intestate to be treated as having predeceased intestate—Whether sister taking even though intestate leaving disqualified son—Administration of Estates Act 1925, ss 46, 47. **Re DWS (dec'd)** [2001] 1 97, CA.

ISSUE ESTOPPEL

Generally. See **Estoppel** (Issue estoppel).

J

JOBSEEKER'S ALLOWANCE

Income support and. See **Social security** (Income support—Jobseeker's allowance).

JOINDER

Parties—

Generally. See **Practice** (Parties—Joinder of parties).

JOURNALIST

Refusal to disclose source of information. See **Contempt of court** (Refusal to disclose source of information—Journalist).

JUDGMENT

Alteration—

Variation of decision after judgment delivered—

Judge's power to recall and change judgment—Whether exercise of power dependent on existence of exceptional circumstances. **Compagnie Noga D'Importation et D'Exportation SA v Abacha** [2001] 3 513, QBD.

Foreign. See **Conflict of laws** (Foreign judgment).

Handed down judgments—

Judgments in advance of hearing—

Judge sending draft judgment to parties' lawyers—Parties compromising dispute before judgment formally handed down—Whether judge having discretion to hand down judgment notwithstanding settlement agreement. **Prudential Assurance Co Ltd v McBains Cooper (a firm)** [2001] 3 1014, CA.

Preparation of judgments—

Numbering of approved judgments—

Paragraph numbering—Neutral citation. **Practice Note** [2001] 1 193, CA.

Summary judgment—

Generally. See **Practice** (Summary judgment).

JUDICIAL REVIEW

Application for judicial review—

Application for permission to apply for judicial review—

Standing of claimant—Sufficient interest—Ten-year-old boys murdering claimant's infant son—Lord Chief Justice setting tariff for boys—Claimant seeking to challenge tariff in judicial review proceedings—Whether member of victim's family having standing to apply for judicial review of Lord Chief Justice's decision on appropriate tariff for juvenile detainees. **R (on the application of Bulger) v Secretary of State for the Home Dept** [2001] 3 449, QBD DC.

Availability of remedy—

Alternative remedy available—

Clandestine entrants—Penalty for carrying clandestine entrants—Secretary of State issuing claimant with penalty notice as person responsible for clandestine entrants—Secretary of State upholding notice despite service of notice of objection—Claimant applying for judicial review—Whether judicial review appropriate remedy—Immigration and Asylum Act 1999, ss 32, 34, 35, 37. **R (on the application of Balbo B & C Auto Transporti Internazionali) v Secretary of State for the Home Department** [2001] 4 423, QBD DC.

JUDICIAL REVIEW (cont)—

House of Lords—

Jurisdiction—

Appeal from Court of Appeal, Civil Division. *See* **House of Lords** (Appeal from Court of Appeal, Civil Division—Jurisdiction—Judicial review).

JURY

Answers—

Finality—

Civil proceedings—Jury answering questions in civil action and being discharged by judge—Jury remaining in court while judge clarifying outcome of case for benefit of claimant—Jury foreman realising jury had misunderstood question—Judge permitting jury to alter answer—Whether judge in civil proceedings having discretion to allow discharged jury to alter answer given by them—Guidance on exercise of discretion. **Igwemma v Chief Constable of Greater Manchester Police** [2001] 4 751, CA.

Defamation case —

Perverse verdict. *See* **Libel and slander** (Justification—Jury).

Trial by jury. *See* Trial by jury—Defamation, *below*.

Trial by jury—

Defamation—

Proper roles of judge and jury in respect of issues of fact—Supreme Court Act 1981, s 69—CPR Pt 24. **Alexander v Arts Council of Wales** [2001] 4 205, CA.

Summary judgment—Claimant bringing proceedings for libel against defendant—Judge concluding that words complained of were defamatory and giving summary judgment for claimant—Whether judge usurping role of jury—Supreme Court Act 1981, s 69(1)—Civil Procedure Act 1997, ss 1(3), 4—CPR 24.2. **Safeway Stores plc v Tate** [2001] 4 193, CA.

JUSTICES

Generally. *See* **Magistrates**.

Licensing. *See* **Licensing**.

JUVENILE

Criminal proceedings—

Sentence—

Murder—Tariff period. *See* **Sentence** (Young person—Serious criminal offence—Murder).

L

LABEL

Goods—

European Community. *See* **European Community** (Freedom of movement—Goods—Description and labelling).

LAND

Common land—

Generally. *See* **Commons**.

Limitation of action. *See* **Limitation of action** (Land).

Local authority. *See* **Local authority** (Land).

Occupancy—

Rights of person in actual occupation. *See* **Land registration** (Overriding interest—Rights of person in actual occupation of land).

Possession—

Adverse possession. *See* **Limitation of action** (Land—Adverse possession).

Registration—

Generally. *See* **Land registration**.

Trust of land. *See* **Trust and trustee** (Trust of land).

LAND REGISTRATION

Overriding interest—

Rights of person in actual occupation of land—

Transferee agreeing to act as agent for transferors in finding purchaser for property—Transferee representing that transfer being made to named third party—Third party non-existent and transferee using that name as alias—Transferors transferring property into third party's name and transferee registering himself as proprietor under that name—Transferee granting legal charge over property to building society but transferors remaining in actual occupation—Whether transferors having overriding interest in property—Land Registration Act 1925, s 70(1)(g). **Collings v Lee** [2001] 2 332, CA.

LANDLORD AND TENANT

Assured tenancy—

Creation. *See* **Landlord and tenant** (Tenancy—Creation—Assured tenancy).

Building lease—

Leasehold enfranchisement—

House. *See* Leasehold enfranchisement—House—Building lease, *below*.

LANDLORD AND TENANT (cont)—

Covenant—

Release—

Assignment of lease—Statutory provisions providing mechanism for release of ‘landlord covenants’ and ‘tenant covenants’ on assignment—Whether personal covenants capable of being released under statutory provisions—Landlord and Tenant (Covenants) Act 1995, ss 3, 5, 6, 8, 15, 28. **BHP Petroleum Great Britain Ltd v Chesterfield Properties Ltd** [2001] 2 914, Ch D.

Leasehold enfranchisement—

House—

Building lease—Whether construction of house under terms of building lease an ‘improvement’ to ‘house and premises’ for purposes of determining price payable by tenant for transfer of freehold—Leasehold Reform Act 1967, ss 2(3), 9(1A). **Rosen v Trustees of Camden Charities** [2001] 2 399, CA.

Rent—

Restriction. *See* **Rent restriction**.

Tenancy—

Creation—

Assured tenancy—Tenant of premises held on assured tenancy falling into arrears of rent—Landlord obtaining order for possession together with payment of arrears and mesne profits—Tenant offering to pay off arrears in monthly instalments—Landlord accepting proposal and not enforcing order—Whether landlord’s acceptance of tenant’s proposal creating new assured tenancy—Housing Act 1988. **Stirling v Leadenhall Residential 2 Ltd** [2001] 3 645, CA.

LAWYER

Legal professional privilege—

Generally. *See* **Privilege** (Legal professional privilege).

LAY DAYS

Commencement. *See* **Shipping** (Commencement of lay days).

LAYTIME

Commencement of lay days. *See* **Shipping** (Commencement of lay days).

LEASE

Generally. *See* **Landlord and tenant**.

LEAVE

Appeal—

Arbitration award. *See* **Arbitration** (Award—Leave to appeal against award).

Execution. *See* **Execution** (Leave to issue execution).

Vexatious proceedings—

Leave to institute or continue proceedings. *See* **Vexatious proceedings** (Leave to continue or institute proceedings).

LEGAL AID

Community legal service funding. *See* **Community legal service funding**.

Order for costs—

Variation—

Whether court having jurisdiction to vary costs order against assisted person whose legal aid certificate was subsequently revoked—Civil Legal Aid (General) Regulations 1989, regs 74(2), 130(b). **DEG-Deutsche Investitions und Entwicklungsgesellschaft mbH v Koshy** [2001] 3 878, CA.

Taxation of costs—

Criminal proceedings—

Appeal from decision of costs judge—Certification of principle of general importance—Whether High Court judge having power on appeal from costs judge to permit solicitor to make new claims—Whether appeal from decision of costs judge restricted to principle of general importance certified—Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989, regs 15, 16. **Patten (t/a Anthony Patten & Co) v Lord Chancellor** [2001] 3 886, QBD.

LEGAL EXPENSES INSURANCE

See **Insurance** (Legal expenses insurance).

LEGAL PROFESSIONAL PRIVILEGE

Discovery. *See* **Discovery** (Legal professional privilege).

Generally. *See* **Privilege** (Legal professional privilege).

LETTER

Prisoner—

Letters to and from a prisoner. *See* **Prison** (Letters—Prisoner’s letters).

LIABILITY INSURANCE

See **Insurance** (Liability insurance).

LIBEL AND SLANDER

Justification—

Jury—

Newspaper accusing claimant of serious wrong doing and relying on taped admissions—Claimant alleging that he had fabricated admissions to expose wrongdoing of person to whom they were made—Jury awarding claimant damages for libel—Whether jury's verdict to be set aside as perverse. **Grobbeelaar v News Group Newspapers Ltd** [2001] 2 437, CA.

Qualified privilege—

Common law privilege—

Public interest—Newspaper publishing series of sensational articles accusing footballer of taking bribes to fix football matches—Whether newspaper entitled to rely on defence of qualified privilege. **Grobbeelaar v News Group Newspapers Ltd** [2001] 2 437, CA.

Malice avoiding privilege—

Judge withdrawing issue of malice from jury—Whether judge in error. **Alexander v Arts Council of Wales** [2001] 4 205, CA.

Public interest—

Common law privilege. *See* Qualified privilege—Common law privilege—Public interest, *above*.

Duty to communicate information to public—Whether defendant entitled to rely on matters not known at time of publication in support of plea of qualified privilege—Human Rights Act 1998, Sch 1, Pt I, art 10(2). **Loutchansky v Times Newspapers Ltd** [2001] 4 115, CA.

Trial by jury—

Generally. *See* **Jury** (Trial by jury—Defamation).

LICENCE

Construction—

Generally. *See* **Contract** (Construction—Licence agreement).

LICENSING

Air travel—

Organisers—

Accommodation in aircraft. *See* **Air traffic** (Civil Aviation Authority—Licensing of provision of accommodation in aircraft).

Licence—

Transfer—

Unlimited company owning public house—Shareholders not disclosing their identities—Company employee applying for transfer of licence—Application being refused because of failure to disclose shareholders' identities—Whether licence could be refused merely because of refusal to disclose identities of shareholders—Licensing Act 1964, s 3(1). **R v Warrington Crown Court, ex p RBNB (a company)** [2001] 2 851, CA.

Permitted hours—

Special hours certificate—

Whether music and dancing and substantial refreshment having to be provided simultaneously throughout permitted hours of special hours certificate—Licensing Act 1964, ss 76, 77. **Northern Leisure plc v Schofield** [2001] 1 660, QBD.

Special hours certificate. *See* Permitted hours—Special hours certificate, *above*.

Transfer of licence. *See* Licence—Transfer, *above*.

LIFE IMPRISONMENT

Generally. *See* **Sentence** (Imprisonment).

LIMITATION OF ACTION

Concealment of right of action—

Breach of duty—

Claimant bringing action for professional negligence more than six years after alleged breach of duty—Defendant raising limitation defence—Claimant contending that concealment of breach of duty prevented time from running but not alleging that defendant dishonest or aware of breach of duty—Whether limitation provisions on concealment applying only to wrongful concealment of facts—Limitation Act 1980, s 32. **Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg** [2001] 1 182, Ch D.

Defendant solicitors raising limitation defence in action for negligence—Claimant relying on statutory provision postponing limitation period where defendant had concealed from claimant any fact relevant to his right of action—Statute providing that deliberate breach of duty amounting to concealment if claimant unlikely to discover it for some time—Whether person committing deliberate act of concealment required to be aware of its legal consequences—Limitation Act 1980, s 32(1)(b), (2). **Brocklesby v Armitage & Guest (a firm)** [2001] 1 172, CA.

Land—

Adverse possession—

Period of adverse possession—Owner bringing action for recovery of land—Action being struck out nine years later for want of prosecution—Owner bringing fresh action for recovery of land—Whether issue of writ in first action stopping time running in trespasser's favour for purposes of second action—Limitation Act 1980, s 15. **Markfield Investments Ltd v Evans** [2001] 2 238, CA.

When time begins to run—

Accrual of cause of action—

Whether cause of action against dissolved company accruing only on order restoring company to register—Companies Act 1985, s 651(1). **Smith v White Knight Laundry Ltd** [2001] 3 862, CA.

LIMITATION OF LIABILITY

Carrier—

Carriage of passengers by air—

International carriage. *See* **Carriage by air** (Carriage of passengers—International carriage—Limitation of carriers' liability).

LIQUIDATOR

Company—

Winding up—

Generally. *See* **Company** (Winding up—Liquidator).

LOAN

Bank. *See* **Bank** (Bank loan).

LOCAL AUTHORITY

Housing

Housing benefit. *See* **Social security** (Housing benefit).

Land—

Power to sell land—

Statutory provision prohibiting local authorities from disposing of land for less than best possible consideration without Secretary of State's consent—Respondent authority entering into contract for sale of land in breach of that provision—Applicant obtaining injunction restraining completion of sale—Authority contending that transaction valid by virtue of statutory provision protecting third parties on 'disposal' of property—Whether disposal taking place on entry into contract or on conveyance—Local Government Act 1972, ss 123, 128(2). **R (on the application of Structadene Ltd) v Hackney London BC** [2001] 2 225, QBD.

Powers—

Powers to prosecute—

Whether local authority having power to prosecute for using motor vehicle without insurance—Local Government Act 1972, s 222—Road Traffic Act 1988, s 143—Road Traffic Offenders Act 1988, s 4. **Middlesbrough BC v Safer** [2001] 4 630, QBD DC.

LOCAL COMMISSIONER

Complaint of maladministration—

Local government. *See* **Local government** (Maladministration—Complaint to local commissioner).

LOCAL GOVERNMENT

Maladministration—

Complaint to local commissioner—

Commissioner's report—Commissioner finding maladministration in respect of planning decision—Whether commissioner applying correct tests—Whether commissioner erring in undertaking investigation—Local Government Act 1974, s 26. **R v Local Comr for Administration in North and North East England, ex p Liverpool City Council** [2001] 1 462, CA.

LONG LEASE

Acquisition of freehold of freehold or extended lease. *See* **Landlord and tenant** (Leasehold enfranchisement).

LONG-TERM INSURANCE BUSINESS

Transfer of. *See* **Insurance** (Transfer of long-term insurance business).

LUMP SUM PAYMENT

Divorce. *See* **Divorce** (Financial provision—Lump sum order).

M

MAGISTRATES

Bail. *See* **Criminal law** (Bail).

Contempt of court. *See* **Contempt of court** (Magistrates' court).

Licensing—

Generally. *See* **Licensing**.

Order—

Sex offender order—

Whether conditions for imposition of sex offender order having to be established on criminal standard of proof—Crime and Disorder Act 1998, s 2. **B v Chief Constable of the Avon and Somerset Constabulary** [2001] 1 562, QBD.

Proceedings—

Anti-social behaviour order—

Whether proceedings for imposition of anti-social behaviour orders criminal or civil—Crime and Disorder Act 1998, s 1—Human Rights Act 1998, Sch 1, Pt I, art 6. **R (on the application of McCann) v Crown Court at Manchester** [2001] 4 264, CA.

MAIL

Prisoner—

Letters to and from prisoner. *See* **Prison** (Letters—Prisoner's letters).

MALADMINISTRATION

Local government. *See* **Local government** (Maladministration).

MALICE

Libel action—

Malice avoiding privilege. *See* **Libel and slander** (Qualified privilege—Malice avoiding privilege).

MAP

Highway—

Definitive map. *See* **Highway** (Classification—Definitive map).

MARINE INSURANCE

Contract of marine insurance—

Disclosure—

Duty to disclose—Duty of utmost good faith—Scope of pre-contract duty to disclose—Whether shipowners under a continuing duty of utmost good faith to disclose information material to the claim after commencement of litigation—Marine Insurance Act 1906, s 17. **Manifest Shipping Co Ltd v Uni-Polaris Shipping Co Ltd** [2001] 1 743, [2001] 1 Comm 193, HL.

Loss—

Indemnity—

Constructive total loss attributable to unseaworthiness—Insurer's liability excluded when ship sent to sea in unseaworthy state with privity of the assured—Meaning of privity—Degree of knowledge necessary—'Blind-eye' knowledge—Whether gross negligence sufficient to establish 'blind-eye' knowledge—Marine Insurance Act 1906, s 39(5). **Manifest Shipping Co Ltd v Uni-Polaris Shipping Co Ltd** [2001] 1 743, [2001] 1 Comm 193, HL.

MASTER AND SERVANT

Generally. *See* **Employment**.

Vicarious liability. *See* **Vicarious liability** (Master and servant).

MEDICAL TREATMENT

Human fertilisation—

Embryo—

Cell nuclear replacement—Whether organism created by cell nuclear replacement falling within statutory definition of embryo—Human Fertilisation and Embryology Act 1990, s 1(1). **R (on the application of Quintavalle) v Secretary of State for Health** [2001] 4 1013, QBD.

Withdrawal of treatment—

Insensate patient—

Patient in persistent vegetative state without hope of recovery—Whether withdrawal of artificial nutrition and hydration from patients in permanent vegetative state infringing right of life—Whether withdrawal or continuance of such nutrition constituting inhuman or degrading treatment—Human Rights Act 1998, Sch 1, arts 2, 3. **NHS Trust A v M** [2001] 1 801, Fam D.

MEN AND WOMEN

Discrimination against a man—

Employment. *See* **Employment** (Discrimination against a man).

Equality of treatment—

Employment. *See* **Employment** (Equality of treatment of men and women).

Pension. *See* **Pension** (Equality of treatment of men and women).

MENTAL HEALTH

Patient—

After-care services—

Whether local authorities having duty or right to charge discharged patients for accommodation provided as after-care services—National Assistance Act 1948, ss 21, 22—Mental Health Act 1983, s 117. **R v Richmond London BC, ex p Watson** [2001] 1 436, CA.

METAL EXCHANGE BROKER

Fiduciary duty. *See* **Equity** (Fiduciary duty—Metal exchange broker).

MINOR

Evidence—

Criminal proceedings. *See* **Criminal evidence** (Child).

MISCONDUCT

Arbitration—

Setting aside award. *See* **Arbitration** (Award—Setting aside award—Misconduct).

MISFEASANCE

Public officer, by—

Damages—

Exemplary damages. *See* **Damages** (Exemplary damages—Misfeasance in public office).

MISREPRESENTATION

Exclusion of liability for misrepresentation—

Unfair terms. *See* **Contract** (Unfair terms—Exclusion of liability for misrepresentation).

Guarantee—

Non-disclosure. *See* **Guarantee** (Enforcement—Misrepresentation by non-disclosure).

Negligent misrepresentation—

Credit reference—

Whether reference amounting to negligent misstatement. **Turner v Royal Bank of Scotland plc (No 2)** [2001] 1 Comm 1057, CA.

MISUSE OF DRUGS

Generally. *See* **Drugs**.

MORTGAGE

Extortionate credit bargain. *See* **Consumer credit** (Extortionate credit bargain—Mortgage).

Remedies of mortgage—

Possession proceedings—

Mortgagor's spouse successfully defending possession proceedings on ground of undue influence—Mortgagee subsequently commencing action in debt against mortgagor—Whether abuse of process. **Alliance and Leicester plc v Slayford** [2001] 1 Comm 1, CA.

Sale—

Application of proceeds—

Mortgagee having purchased properties through mortgage obtained fraudulently—Mortgagee applying proceeds of sale of properties to purchase of house—Fraudulent mortgage applications made with assistance of co-owners—Mortgagee remortgaging house without knowledge of co-owners—Bank seeking possession of house—Co-owners asserting equitable interest in house by virtue of contribution to purchase price and improvements—Whether claim to equitable interest defeated by previous illegality. **Mortgage Express v Robson** [2001] 2 Comm 886, CA.

Duty of mortgagee—

Standard of duty in exercising power of sale—Duty to take reasonable care to obtain price equal to market value—Principles to be applied. **Meftah v Lloyds TSB Bank plc** [2001] 2 Comm 741, Ch D.

Unfair terms. *See* **Contract** (Unfair terms—Mortgage).

MOTOR INSURANCE

Compulsory insurance against third party risks—

Extent of cover—

Insured being covered to drive another's car with permission—Insured having sold car in respect of which policy issued—Whether insured covered to drive another's car with permission having sold own car without replacement. **Dodson v Peter H Dodson Insurance Services (a firm)** [2001] 3 75, [2001] 1 Comm 300, CA.

Conditions—

Breach of condition—

Policy indemnifying insured against loss, theft and damage—Liability excluded if car stolen when keys left in or on car—Insured leaving key in ignition—Car being stolen—Meaning of 'left in or on the car'—Whether insurer liable to indemnify insured. **Hayward v Norwich Union Insurance Ltd** [2001] 1 Comm 545, CA.

Motor Insurers' Bureau—

Liability of bureau to satisfy judgment against uninsured driver—

Bureau agreeing with Secretary of State to satisfy awards of damages made against uninsured drivers—Agreement intended to give effect to European Community directive—Agreement absolving bureau from liability in respect of claims by passengers who 'knew or ought to have known' that vehicle uninsured—Directive providing for exception from liability where passenger 'knew' driver was uninsured—Whether exclusion covering negligence or carelessness on part of passenger as to driver's insurance status—Second Council Directive (EEC) 84/5, art 1(4)—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1988), cl 6(1)(e)(ii). **White v White** [2001] 2 43, [2001] 1 Comm 1105, HL.

Rights of third parties against insurers—

Duty of insurers to satisfy judgments against insured persons—

Exception—Insured deliberately driving into claimant's car off road—Insured convicted of criminal damage—Claimant obtaining judgment against insured—Whether contrary to public policy to permit an assured to recover indemnity in respect of a deliberate criminal act—Third Parties (Rights against Insurers) Act 1930. **Charlton v Fisher** [2001] 1 Comm 769, CA.

MOTOR INSURERS' BUREAU

Generally. *See* **Motor insurance** (Motor Insurers' Bureau).

MURDER

Generally. *See* **Criminal law** (Murder).

Sentence—

Mandatory life sentence. *See* **Sentence** (Life imprisonment—Mandatory life sentence—Murder).

Solicitor—

Generally. *See* **Solicitor** (Negligence).

N

NEGLIGENCE

- Causation—
 - Intervening act—
 - Conduct of claimant—Contamination of parcel of ethylene—Coolant parcel indicating vessel unsuitable for carriage of ethylene—Loading continuing notwithstanding indication—Master playing little part in loading process—Owners admitting vessel unfit to carry ethylene—Whether decision to continue loading constituting intervening act. **Vinmar International Ltd v Theresa Navigation SA** [2001] 2 Comm 243, QBD.
- Damages—
 - Measure of damages. *See* **Damages** (Measure of damages—Negligence).
 - Unwanted pregnancy. *See* **Damages** (Unwanted pregnancy—Negligence).
- Highway—
 - Duty of local planning authority—
 - Obstruction of visibility—Planning authority requiring developer to construct footpath before commencing development works—Authority allowing footpath to be opened to public despite knowing that it lacked adequate sightlines—Car striking claimant when emerging from footpath—Claimant bringing proceedings against planning authority—Whether local planning authority having blanket immunity for anything done in exercise of planning functions—Whether authority liable for danger on highway which it had created. **Kane v New Forest District Council** [2001] 3 914, CA.
- Misrepresentation—
 - Negligent misrepresentation. *See* **Misrepresentation** (Negligent misrepresentation).
- Solicitor—
 - Generally. *See* **Solicitor** (Negligence).
- Unwanted pregnancy—
 - Damages. *See* **Damages** (Unwanted pregnancy—Negligence).

NON-MOLESTATION ORDER

- Power of arrest attached to non-molestation order. *See* **Family proceedings** (Orders in family proceedings—Power of arrest attached to non-molestation order).

NUISANCE

- Continuing nuisance—
 - Right to sue—
 - Generally. *See* Right to sue—Continuing nuisance, *below*.
- Creation of nuisance—
 - Sewer—
 - Overflow—Flooding of neighbouring premises—Overloading of sewer during heavy rain resulting in repeated flooding of claimant's property—Statutory sewerage undertaker failing to take steps to prevent flooding—Whether sewerage undertaker liable at common law for failure to prevent flooding—Whether failure infringing claimant's right to respect for private life and right to peaceful enjoyment of possessions under human rights convention—Water Industry Act 1991, s 94—Human Rights Act 1998, s 6, Sch 1, Pt I, art 8, Pt II, art 1. **Marcic v Thames Water Utilities Ltd** [2001] 3 698, QBD.
- Right to sue—
 - Continuing nuisance—
 - Roots of defendant's tree desiccating ground beneath property and causing structural cracking—Claimant acquiring freehold of property after cracks occurring and carrying out reasonable remedial work—Whether reasonable remedial expenditure recoverable by current owner in respect of pre-transfer damage arising from continuing nuisance. **Delaware Mansions Ltd v Westminster City Council** [2001] 4 737, HL.
- Sewer—
 - Creation of nuisance. *See* Creation of nuisance—Sewer, *above*.
- Statutory nuisance—
 - Complaint to justices—
 - Proceedings against company—Service of statutory notice prior to commencement of proceedings—Complainant sending notice to company but not to its registered office—Whether notice properly served—Environmental Protection Act 1990, ss 82, 160. **Hewlings v McLean Homes East Anglia Ltd** [2001] 2 281, QBD.
 - Premises in such a state as to be prejudicial to health—
 - Lavatory in tenant's house lacking washbasin—Lavatory users having to wash hands in kitchen sink or go through kitchen to bathroom—Tenant bringing proceedings for statutory nuisance against landlord—Whether layout or lack of facility capable in themselves of rendering premises in such a state as to be prejudicial to health—Environmental Protection Act 1990, s 79(1)(a). **Birmingham City Council v Oakley** [2001] 1 385, HL.

O

OVERFLOW

- Sewer—
 - Nuisance. *See* **Nuisance** (Creation of nuisance—Sewer).

OVERRIDING INTEREST

- Registered land. *See* **Land registration** (Overriding interest).

PARTICULARS OF CLAIM

Service—

Extension of time for service—

Whether court having discretion to grant extension of time for service of particulars of claim—
CPR 7.4, 7.6. **Totty v Snowden** [2001] 4 577, CA.**PARTIES**

Joinder—

Civil action. See **Practice** (Parties—Joinder of parties).**PARTNERSHIP**

Existence of partnership disputed—

Persons working together to commence business—

Parties incurring liabilities and acquiring assets in connection with prospective restaurant business—Relationship between parties breaking down before opening of restaurant—Whether parties to joint venture not becoming partners until actual trading commenced. **Khan v Miah** [2001] 1 20, [2001] 1 **Comm** 282, HL.

Guarantee—

Validity. See **Guarantee** (Validity—Partnership guarantee).**PASSENGERS**

Aircraft—

Carriage. See **Carriage by air** (Carriage of passengers).**PATENT**

Infringement—

Injunction—

Form of order—Judge upholding claim for patent infringement but granting injunction only restraining defendants from infringing in manner proved at trial—Whether judge should have granted injunction restraining defendants from infringing patent in suit. **Coflexip SA v Stolt Comex Seaway MS Ltd** [2001] 1 952n, CA.**PATIENT**

Medical treatment—

Generally. See **Medical treatment**.Mental. See **Mental health**.**PAY**

Equal pay—

Men and women—

Equality of treatment—European Community. See **European Community** (Equality of treatment of men and women—Equal pay for equal work).Generally. See **Employment** (Equality of treatment of men and women).**PAYMENT INTO COURT**

Costs—

Order for costs—

Discretion. See **Costs** (Order for costs—Discretion—Payment into court).**PENSION**

Company pension scheme—

Surplus fund—

Pensions scheme requiring employers to make arrangements to deal with actuarial surplus but precluding amendment 'making any of the moneys of the Scheme payable to any of the Employers'—Employers making arrangements to treat their accrued liabilities to fund as discharged out of surplus funds—Whether release of debt owed to fund by employers amounting to payment to them out of fund—Whether amendment required before arrangements could be made to treat employers' accrued liabilities as discharged out of surplus funds—Pensions Act 1995, s 37. **National Grid Co plc v Mayes** [2001] 2 417, HL.

Equality of treatment of men and women—

Part-time employees' retrospective claims time-barred and restricted by national legislation—

Whether legislation compatible with Community law—Equal Pay Act 1970, s 2(4)—EC Treaty, art 119 (now art 141 EC). **Preston v Wolverhampton Healthcare NHS Trust** [2001] 3 947, HL.

Pension scheme—

Unfunded scheme—

Private sector hospital operating unfunded occupational pension scheme—Scheme providing no benefits for early leavers—Employee leaving early and claiming right to deferred pension under statutory provisions requiring defined category of occupational pension scheme to preserve short service benefit for early leavers—Whether preservation requirements applying to unfunded private sector occupational pension schemes—Pension Schemes Act 1993, ss 69(3), 181. **Royal Masonic Hospital v Pensions Ombudsman** [2001] 3 408, Ch D.**PERFORMANCE BOND**Generally. See **Contract** (Bond—Performance bond).

PERSONAL INJURIES

- Action—
 - Cross-examination—
 - Video evidence. *See* **Practice** (Cross-examination—Personal injury action—Video evidence).
 - Experts' reports—
 - Generally. *See* **Practice** (Personal injuries action—Experts' reports).
- Damages—
 - Generally. *See* **Damages** (Personal injury).

PETITION

- Company—
 - Restoration of name to register. *See* **Company** (Restoration to register—Application).
- Insolvency. *See* **Insolvency** (Petition).

PLEADING

- Amendment—
 - Leave to amend after expiry of limitation period—
 - New claim—Claimant unable to rely on facts pleaded in defence but not in statement of case on application for post-limitation amendment to add new claim—Unsatisfactory nature of rule prohibiting such reliance—Limitation Act 1980, s 35(5)—CPR 17.4(2). **Goode v Martin** [2001] 3 562, QBD.

POLICE

- Disclosure of information—
 - Interview—
 - Caution—Police officer interviewing suspect without a solicitor present—Suspect making admission—Officer concluding that admission rendering suspect suitable for caution—Police refusing request by suspect's solicitor to disclose contents of interview—Non-disclosure preventing solicitor from giving informed advice on whether to accept caution—Police charging suspect—Whether police having duty to disclose contents of interview to suspect's solicitor for purpose of enabling him to advise on acceptance of caution—Whether failure to give such disclosure rendering subsequent prosecution an abuse of process. **DPP v Ara** [2001] 4 559, QBD DC.
- Special procedure material—
 - Generally. *See* **Criminal evidence** (Special procedure material).

POSSESSION

- Conversion. *See* **Conversion** (Possession).
- Mortgaged property—
 - Remedies of mortgagee. *See* **Mortgage** (Remedies of mortgagee—Possession proceedings).

POWER OF ATTORNEY

- Enduring power of attorney—
 - Creation—
 - Capacity of donor—Mental capacity of donor when power created—Burden of proof when registration of power opposed—Whether burden of proof on attorney to establish donor's capacity if objectors producing evidence that donor lacked capacity—Enduring Powers of Attorney Act 1985, s 6(6). **Re W** [2001] 4 88, CA.

PRACTICE

- Abuse of process—
 - Dismissal of action. *See* **Action** (Dismissal—Abuse of process of court).
- Administration of deceased's estate—
 - Generally. *See* **Administration of estates**.
- Admiralty. *See* **Admiralty** (Practice).
- Appeal—
 - Leave to appeal—
 - Arbitration award. *See* **Arbitration** (Award—Leave to appeal against award).
 - New provisions governing civil appeals in private law matters—
 - Refusal by High Court judge to grant extension of time to appeal from decision of lower court—Whether refusal appealable to Court of Appeal—Access to Justice Act 1999, s 54(4). **Foenander v Bond Lewis & Co** [2001] 2 1019, CA.
 - New provisions relating to appeals in civil proceedings—
 - Dismissal on paper of applications for permission to appeal—Provision of transcripts at public expense to unrepresented appellants—Guidance—CPR Pt 52, Practice Direction. **Hyams v Plender** [2001] 2 179, CA.
- Arbitration. *See* **Arbitration**.
- Banker's books—
 - Evidence—
 - Civil proceedings. *See* **Evidence** (Banker's books).
- Chancery Division—
 - Trusts—
 - Applications in relation to administration of trusts—Prospective costs orders—CPR Sch 1, RSC Ord 85. **Practice Note** [2001] 3 574, Ch D.
- Citation of cases—
 - Civil courts—
 - Restrictions and rules—Categories of judgments citeable only if purporting to establish new principle or extend present law—Requirement for advocates to indicate proposition of law demonstrated by each authority cited. **Practice Note** [2001] 2 510, Sup Ct.

PRACTICE (cont)—

Claim form. *See* **Claim form**.

Criminal proceedings—

Victim personal statements—

Consideration of statements before determining sentence—Procedure. **Practice Direction** [2001] 4 640, CA.

Cross-examination—

Criminal proceedings, in. *See* **Criminal evidence**.

Personal injury action—

Video evidence—Claimant seeking damages for personal injury—Defendant possessing videotape evidence apparently undermining claimant's case on impact of injury—Defendant disclosing videos to claimant—Action being struck out because of oversight by both parties—Defendant not attending application for reinstatement—District Judge reinstating action and setting trial date—Defendant subsequently applying to rely on video evidence in claimant's cross-examination—Court dismissing application on grounds that use of video evidence would lead to loss of trial date—Principles governing use of video evidence for purposes of cross-examination in personal injury cases—CPR 1.1, 1.3, 1.4, 32.1. **Rall v Hume** [2001] 3 248, CA.

Crown Court. *See* **Crown Court**.

Discovery—

Generally. *See* **Discovery**.

Dismissal of action as abuse of process of court. *See* **Action** (Dismissal—Abuse of process of court).
Evidence—

Expert witness—

Admissibility—Expert witness having long-standing friendship with party proposing to call him—Whether relationship between expert and party rendering expert's evidence inadmissible. **Liverpool Roman Catholic Archdiocese Trustees Incorporated v Goldberg (No 2)** [2001] 4 950, Ch D.

Execution. *See* **Execution**.

Expert evidence—

Generally. *See* Evidence—Expert witness, *above*.

Personal injuries action—

Reports. *See* Personal injuries action—Experts' reports, *below*.

Family Division—

Without notice orders—

Disclosure obligations—Recital of evidence in order—Undertakings in damages—Guidance. **W v H (Family Division: without notice orders)** [2001] 1 300, Fam D.

Guidance. **Kelly v BBC** [2001] 1 323, Fam D.

Undertakings—Principles and guidance. **Re S (a child) (Family Division: without notice orders)** [2001] 1 362, Fam D.

Family proceedings—

Committal applications—

Procedure. **Practice Direction** [2001] 2 704, Fam D.

Foreign proceedings—

Restraint of foreign proceedings. *See* **Conflict of laws** (Foreign proceedings—Restraint of foreign proceedings).

Freezing order. *See* Pre-trial or post-judgment relief—Freezing order, *below*.

Garnishee order—

Generally. *See* **Execution** (Garnishee order).

House of Lords. *See* **House of Lords**.

Interpleader relief—

Generally. *See* **Interpleader**.

Service out of the jurisdiction. *See* Service out of the jurisdiction—Interpleader relief, *below*.

Joinder of parties—

Generally. *See* Parties—Joinder of parties, *below*.

Judgment—

Generally. *See* **Judgment**.

Legal professional privilege—

Discovery of documents. *See* **Discovery** (Legal professional privilege).

Generally. *See* **Privilege** (Legal professional privilege).

Limitation of action. *See* **Limitation of action**.

Particulars of claim. *See* **Particulars of claim**.

Parties—

Joinder of parties—

Claim for negative declaration—Whether party properly joined—Whether claim should be set aside as against party—Whether negative declaration should be granted. **Messier-Dowty Ltd v Sabena SA (No 2)** [2001] 1 275, [2000] 1 Comm 833, CA.

Payment into court—

Costs—

Order for costs—Discretion. *See* **Costs** (Order for costs—Discretion—Payment into court).

Personal injuries action—

Cross-examination. *See* Cross-examination—Personal injury action, *above*.

Experts' reports—

Disclosure to other parties—Pre-action protocol requiring party to provide other party with names of proposed experts before instructing an expert—Protocol giving other party opportunity to object to any of named experts—Claimant instructing expert to whom defendant had taken no objection but refusing to disclose his report—Whether defendant's failure to object to expert nominated by claimant transforming expert into single joint expert whose report was available to both parties—Whether refusal to disclose report of expert to whom no objection made by other side constituting non-compliance with protocol—Pre-Action Protocol for Personal Injury Claims, paras 3.14, 3.16. **Carlson v Townsend** [2001] 3 663, CA.

Pleading. *See* **Pleading**.

Privilege—

Generally. *See* **Privilege**.

PRACTICE (cont)—

Pre-trial or post-judgment relief—

Freezing order—

Third party interests—Claimant obtaining judgment against wife—Claimant alleging wife trustee of husband's assets—Husband and wife resident overseas—Claimant applying for freezing order against husband's assets—Whether jurisdiction to make order—Civil Procedure Rules 1998, 19.2. **C Inc plc v L** [2001] 2 Comm 446, QBD.

Worldwide freezing order—Pre-trial order—Extra-territorial effect of order—Protection of third parties—Proviso protecting third parties in respect of assets outside the jurisdiction—Appropriate terms. **Bank of China v NBM LLC** [2001] 4 954, QBD.

Service—

Claim form. See **Claim form** (Service).

Particulars of claim. See **Particulars of claim** (Service).

Service out of the jurisdiction. See Service out of the jurisdiction, *below*.

Service out of the jurisdiction—

Action properly brought against defendant within jurisdiction—

Person out of jurisdiction necessary or proper party—Application of power to permit service out of jurisdiction—Whether person requiring to be 'necessary and proper party' to be added or substituted as party—CPR 6.20, 19.1, 19.2. **United Film Distribution Ltd v Chhabria** [2001] 2 Comm 865, CA.

Claim whose whole subject matter relates to property within the jurisdiction—

Whether claim having to be claim to property within the jurisdiction or some interest in it—CPR 6.20(10). **Banca Carige SpA Cassa Di Risparmio Di Genova E Imperia v Banco Nacional De Cuba** [2001] 3 923, Ch D.

Interpleader relief—

Whether application for interpleader relief 'claim made in respect of a contract'—Whether court having power to serve application for interpleader relief out of jurisdiction—Civil Procedure Rules 1998, r 6.20. **Cool Carriers AB v HSBC Bank USA** [2001] 2 Comm 177, QBD.

Necessary or proper party to action—

Action properly brought against a person served in the jurisdiction—Person out of jurisdiction a necessary or proper party to action—Judge granting permission to serve out of jurisdiction—Guidelines for exercise of discretion in relation to contribution—Whether existence of right to recover in arbitration proceedings obviating potential prejudice—RSC Ord 11, r 1(1)(c)—CPR 6.20. **Petroleo Brasileiro SA v Mellitus Shipping Inc** [2001] 1 Comm 993, CA.

Service by alternative means—

Claimant serving German defendant via English solicitors—Whether service effective—Hague Convention 1965—Civil Procedure Rules 1998, 6.8. **Knauf UK GmbH v British Gypsum Ltd** [2001] 2 Comm 332, QBD.

Stay of proceedings—

Arbitration—

Generally. See **Arbitration** (Stay of court proceedings).

Conflict of laws—

Generally. See **Conflict of laws** (Stay of proceedings).

Criminal proceedings. See **Criminal law** (Trial—Stay of proceedings).

Striking out—

Admiralty claims. See **Admiralty** (Practice—Striking out).

Summary judgment—

Defamation case—

Trial by jury. See **Jury** (Trial by jury—Defamation—Summary judgment).

Principles—

CPR 24.2. **Swain v Hillman** [2001] 1 91, CA.

Taxation of costs—

Legal aid proceedings —

Generally. See **Legal aid** (Taxation of costs)

Trust—

Chancery Division—

Generally. See Chancery Division—Trusts, *above*.

Vexatious proceedings. See **Vexatious proceedings**.

Without notice orders—

Family Division. See Family Division—Without notice orders, *above*.

PREGNANCY

Unwanted pregnancy—

Negligence—

Damages. See **Damages** (Unwanted pregnancy—Negligence).

PRESUMPTION

Undue influence. See **Equity** (Undue influence—Presumption of undue influence).

PRISON

Letters—

Prisoner's letters—

Correspondence with legal advisor—Secretary of State introducing new policy on searching of cells—Policy requiring prison officers to examine prisoner's legal correspondence in absence of prisoner—Whether policy unjustifiably infringing prisoners' common law right to confidentiality in legal correspondence and right to respect for correspondence under human rights convention—Prison Act 1952, s 47(1)—Human Rights Act 1998, Sch 1, Pt I, art 8(1). **R v Secretary of State for the Home Dept, ex p Daly** [2001] 3 433, HL.

PRIVATE INTERNATIONAL LAW

See **Conflict of laws**.

PRIVATE RIGHT OF WAY

Easement. See **Easement** (Right of way).

PRIVILEGE

Discovery of documents. See **Discovery**.

Legal professional privilege—

Solicitor and client—

Communications between legal advisor and client—Inspector of taxes exercising statutory investigatory power—Whether provision authorising inspector to require disclosure of material subject to legal professional privilege—Taxes Management Act 1970, s 20(1), (7)—Human Rights Act 1998, Sch 1, art 8. **R (on the application of Morgan Grenfell & Co Ltd) v Special Comr** [2001] 1 535, QBD.

Qualified privilege—

Libel and slander. See **Libel and slander** (Qualified privilege).

PROBATIONARY SOLICITOR'S REPRESENTATIVE

Access to—

Right of person in custody. See **Solicitor** (Access to—Right of person in custody—Access by probationary solicitor's representative (PSR)).

PRODUCT LIABILITY

European Community. See **European Community** (Consumer protection—Product liability).

PROFESSIONAL BASKETBALL PLAYER

Freedom of movement—

European Community. See **European Community** (Workers—Freedom of movement—Professional basketball players).

PROFITS

Income tax—

Deduction in computing profits. See **Income tax** (Deduction in computing profits).

PROPER LAW

Contract, of. See **Conflict of laws** (Contract—Proper law of contract).

PROSECUTION

Local authority's powers. See **Local authority** (Powers—Powers to prosecute).

PUBLIC HEALTH

Sewerage—

Drainage—

Surface water—Whether sewerage undertakers having implied power to discharge water onto another's land or watercourse—Water Industry Act 1991, ss 94, 155, 159, 165. **British Waterways Board v Severn Trent Water Ltd** [2001] 3 673, CA.

PUBLIC HOUSE

Tied house—

Covenants—

EC Competition Rules. See **European Community** (Rules on competition—Agreements preventing, restricting or distorting competition—Leasing of public houses).

PUBLIC INTEREST

Libel and slander—

Qualified privilege. See **Libel and slander** (Qualified privilege—Public interest).

PUBLIC OFFICE

Abuse of—

Misfeasance by a public officer—

Exemplary damages. See **Damages** (Exemplary damages—Misfeasance in public office).

PUBLIC ORDER

Football—

Football banning order—

Whether football banning order constituting a penalty for purposes of human rights convention—Football Spectators Act 1989, ss 14A, 14B—Human Rights Act 1998, Sch 1, Pt I, art 7. **Gough v Chief Constable of the Derbyshire Constabulary** [2001] 4 289, QBD DC.

PUBLIC PLACE

Affray. See **Criminal law** (Affray—Public place).

PUBLIC POLICY

Intestate's estate—

Exclusion from benefit on grounds of public policy. See **Intestacy** (Succession—Exclusion from benefit—Public policy).

PUBLIC PROCUREMENT

European Community. See **European Community** (Public procurement).

PUBLICATION

Child—

Protection—

Ward of court. See **Ward of court** (Jurisdiction—Protection of ward—Freedom of publication).

Q

QUALIFIED PRIVILEGE

Libel and slander. See **Libel and slander** (Qualified privilege).

R

RACE RELATIONS

Discrimination—

Employment—

Discrimination on racial grounds—Person who knowingly 'aids' another to do act of unlawful discrimination—Meaning of 'aids'—Race Relations Act 1976, s 33(1). **Anyanwu v South Bank Student Union (Commission for Racial Equality, interveners)** [2001] 2 353, HL.

Discrimination on racial grounds—Statutory provision making it unlawful for employer to discriminate against employee on racial grounds by 'dismissing' him—Whether constructive dismissal falling within terms of provision—Race Relations Act 1976, s 4(2)(c). **Derby Specialist Fabrication Ltd v Burton** [2001] 2 840, EAT.

Victimisation—

Police sergeant bringing racial discrimination proceedings against chief constable in respect of rejection of application for promotion to inspector—Sergeant applying for similar post with another force while proceedings pending—Chief constable refusing to provide reference sought by other force for fear of prejudicing position in pending proceedings—Whether refusal constituting victimisation 'by reason that' sergeant had brought discrimination proceedings—Race Relations Act 1976, s 2(1)(a). **Khan v Chief Constable of West Yorkshire Police** [2001] 4 834, HL.

REFUGEE

Immigration—

Deportation. See **Immigration** (Deportation—Refugee).

REGISTRATION

Common land and right of common. See **Commons** (Registration).

Company—

Restoration of name to register. See **Company** (Restoration to register).

Land—

Generally. See **Land registration**.

REINSURANCE

Conflict of laws—

Jurisdiction—

Challenge to jurisdiction. See **Conflict of laws** (Jurisdiction—Challenge to jurisdiction).

Generally. See **Insurance** (Reinsurance).

REMAND

Remand in custody—

Generally. See **Criminal law** (Committal—Remand in custody).

RENT RESTRICTION

Rent—

Determination of fair rent—

Ministers making order capping increase in rents of regulated tenancies—Whether order ultra vires enabling legislation—Landlord and Tenant Act 1985, s 31—Rent Acts (Maximum Fair Rent) Order 1999. **R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd** [2001] 1 195, HL.

REPAIR

Chancel—

Liability to repair. See **Ecclesiastical law** (Chancel—Liability to repair chancel).

RESTITUTION

Unjust enrichment—

Defence—

Change of position—Life assurance company mistakenly making overpayment to policyholder—

Policyholder using bulk of overpayment to acquire other pension policy and reduce mortgage—

Whether policyholder entitled to rely on defence of change of position. **Scottish Equitable plc v**

Derby [2001] 3 818, [2001] 2 Comm 274, CA.

RESTRAINT ORDER

Generally. See **Sentence** (Restraint order).

RIGHT OF COMMON

Generally. See **Commons** (Right of common).

RIGHT OF WAY

Private right of way. See **Easement** (Right of way).

ROADTRAFFIC

Offence—

Self-incrimination—

Driver of vehicle—Statutory provision requiring defendant to identify driver of car—Defendant

admitting that she was driver and being charged with driving car after consuming excessive

alcohol—Whether use of admission in evidence by prosecution infringing defendant's right to

fair hearing—Road Traffic Act 1988, s 172(2)(a)—Human Rights Act 1998, Sch 1, Pt I, art 6(1).

Brown v Stott (Procurator Fiscal, Dunfermline) [2001] 2 97, PC.

Transport—

European Community. See **European Community** (Road transport).

ROADTRANSPORT

Carriage by road. See **Carriers**.

European Community. See **European Community** (Road transport).

RULES

Charity. See **Charity** (Unincorporated association—Rules).

S

SAFETY

Health and safety at work—

Generally. See **Health and safety at work**.

SALE OF GOODS

Auction—

Generally. See **Auction**.

Delivery—

Constructive delivery—

Sale and leaseback transaction—Unauthorised sale by original owner—Two sale and leaseback

agreements made in relation to same goods—Position of buyers—Conversion—Whether making

of agreement for sale and entering into the lease constituting 'delivery'—Whether buyers

liable in conversion—Sale of Goods Act 1979, ss 24, 25. **Michael Gerson (Leasing) Ltd v**

Wilkinson [2001] 1 148, [2000] 2 Comm 890, CA.

F o t contract—

Contract allowing for delivery at a range of places in country of destination—Whether right and

duty to nominate place for delivery lying with sellers or buyers. **Zenziper Grains and Feed**

Stuffs v Bulk Trading Corp Ltd [2001] 1 Comm 385, CA.

Title—

Unascertained goods—

Claimants selling oil to oil trader—Oil trader mixing oil and on-selling—Whether claimants able

to establish title against subsequent purchasers. **Glencore International AG v Metro Trading**

Inc [2001] 1 Comm 103, QBD.

SALE OF LAND

Local authority—

Power to sell land. See **Local authority** (Land—Power to sell land).

Mortgage—

Generally. See **Mortgage** (Sale).

SAMPLE

Evidence in criminal proceedings. See **Criminal evidence** (Sample).

SECURE ACCOMMODATION ORDER

Family proceedings. See **Family proceedings** (Orders in family proceedings—Secure accommodation order).

SELF-INCRIMINATION

Right against self-incrimination. *See* **Human rights** (Right to a fair hearing—Right against self-incrimination).

Road traffic offence. *See* **Road traffic** (Offence—Self-incrimination).

SENTENCE

Confiscation order—

Burden of proof—

Whether assumptions made in assessing proceeds of drug trafficking compatible with presumption of innocence under human rights convention—Proceeds of Crime (Scotland) Act 1995, s 3(2)—Human Rights Act 1998, Sch 1, Pt I, art 6(2). **McIntosh v Lord Advocate** [2001] 2 638, PC.

Whether statutory provisions governing confiscation orders compatible with presumption of innocence and right to peaceful enjoyment of possessions under human rights convention—Criminal Justice Act 1988, s 72AA—Drug Trafficking Act 1994, s 4—Human Rights Act 1998, Sch 1, Pt I, art 6, Pt II, art 1. **R v Benjafield** [2001] 2 609, CA.

Life imprisonment—

Life imprisonment for second serious offence—

Whether imposition of automatic life sentence for second serious offence compatible with provisions of human rights convention—Crime (Sentences) Act 1997, s 2—Human Rights Act 1998, s 3, Sch 1, Pt I, arts 3, 5, 7. **R v Offen** [2001] 2 154, CA.

Mandatory life sentence—

Murder—Whether mandatory life sentence for murder incompatible with human rights in cases where convicted person posing no foreseeable risk to public at time of sentence—Murder (Abolition of Death Penalty) Act 1965, s 1—Human Rights Act 1998, Sch 1, Pt I, arts 3, 5. **R (on the application of Lichniak) v Secretary of State for the Home Department** [2001] 4 934, QBD and CA.

Murder—

Mandatory life sentence. *See* Life imprisonment—Mandatory life sentence—Murder, *above*.

Restraint order—

Power to make restraint order—

Restraint order for purpose of aiding enforcement of external confiscation order—External confiscation order—United States court ordering shares in company to be forfeited following criminal proceedings—Defendant failing to forfeit shares and United States court adding interest to sum outstanding—United States government seeking to enforce confiscation order in United Kingdom—Relevant legislation not applying to United States confiscation orders when first confiscation order made—Whether legislation applying retrospectively to United States confiscation orders—Whether confiscation order to which interest subsequently added an external confiscation order—Criminal Justice Act 1988, ss 76(1), 77, 96, 102(4)—Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991. **United States Government v Montgomery (Montgomery, third party)** [2001] 1 815, HL.

Victim personal statement—

Consideration of. *See* **Practice** (Criminal proceedings—Victim personal statement).

Young person—

Serious criminal offence—

Murder—Young offenders sentenced to be detained during Her Majesty's pleasure—Recommendations as to tariff. **Re Thompson** [2001] 1 737, CA.

SERVICE

Claim form. *See* **Claim form** (Service).

Generally. *See* **Practice** (Service).

Out of the jurisdiction. *See* **Practice** (Service out of the jurisdiction).

Particulars of claim. *See* **Particulars of claim** (Service).

SEWERAGE

Nuisance—

Creation of nuisance. *See* **Nuisance** (Creation of nuisance—Sewer).

Public health. *See* **Public health**.

SEX DISCRIMINATION

Employment—

Discrimination against a man. *See* **Employment** (Discrimination against a man).

Equality of treatment—

European Community. *See* **European Community** (Equality of treatment of men and women).

Generally. *See* **Employment** (Equality of treatment of men and women).

SEX OFFENDER

See **Magistrates** (Order—Sex offender order).

SEXUAL OFFENCES

Evidence. *See* **Criminal evidence** (Sexual offence).

SHIPPING

Bill of lading—

Carriage of goods by sea—

Title to cargoes passing to claimants after commencement of voyage—Cargoes carried on vessel owned by defendants but chartered to another company—Bills of lading signed on charterers' form—Demise clause describing owners as carrier but bills signed on behalf of charterers as carrier—Bills containing limitation clause protecting carrier's independent contractors—Cargo damaged due to defective stowage and claimants bringing claims in contract and tort against defendants—Whether bills of lading owner's or charterers' bills—Whether defendants owing claimants duty of care in tort—Whether shipowner entitled to protection of Himalaya clause. **Homburg Houtimport BV v Agrosin Private Ltd** [2001] 1 Comm 455, CA.

SHIPPING (cont)—

Bill of lading (cont)—

Incorporation of terms of charterparty—

Arbitration clause—First bills of lading providing for incorporation of 'all terms and conditions of the charterparty ... including the Law and Arbitration clause'—Second bills of lading providing for incorporation of 'all the terms whatsoever of the said Charter'—Charterparty not providing for bills of lading to incorporate arbitration clause—Whether arbitration clause incorporated in bills of lading. **Delos (cargo owners) v Delos Shipping Ltd** [2001] 1 Comm 763, QBD.

Inter-club agreement—Charterparty providing cargo claims to be apportioned in accordance with inter-club agreement—Bills of lading being ante-dated by charterers and not in accordance with mate's receipts contrary to charterparty—Damage occurring to cargo resulting from unseaworthiness—Cargo interests bringing claim against owners—Owners settling cargo action—Owners bringing action against charterers—Whether inter-club agreement rendered inapplicable by ante-dated and 'clean' bills of lading. **Transpacific Discovery SA v Cargill International SA** [2001] 1 Comm 937, QBD.

Time for bringing claims—

Suit barred unless brought within one year after delivery of goods—Counterclaim based on delay in shipment—Whether claim having sufficiently close association with cargo intended to be shipped—Whether one-year time limit applicable—Carriage of Goods by Sea Act 1924, s 1, Sch, art III, r 6. **Linea Naviera Paramaconi SA v Abnormal Load Engineering Ltd** [2001] 1 Comm 946, QBD.

Transfer of rights and liabilities—

Statutory provision rendering lawful holder of bill of lading liable under contract of carriage if it 'demanded delivery' of cargo—Meaning of 'demanded delivery'—Carriage of Goods by Sea Act 1924, ss 2, 3(1). **Borealis AB (formerly Borealis Petrokemi AB) v Stargas Ltd (Bergesen DY AS, third party)** [2001] 2 193, [2001] 1 Comm 673, HL.

Cargo—

Loading of cargo—

Charterparty. *See* Charterparty—Loading of cargo, *below*.

Carriage by sea—

Bill of lading. *See* Bill of lading, *above*.

Charterparty—

Incorporation of paramount clause—

Paramountcy of Hague Rules—Charter warranting for vessel to perform laden passage at specific speed—Vessel unable to maintain speed—Whether warranty conflicting with Hague Rules incorporated by clause paramount. **Bayoil SA v Seawind Tankers Corp** [2001] 1 Comm 392, QBD.

Loading—

Laycan—Term of charterparty narrowing spread of laycan—Whether condition precedent to nomination of vessel—Whether breach of charterparty repudiatory. **Universal Bulk Carriers Ltd v Andre et Cie SA** [2001] 2 Comm 510, CA.

Loading of cargo—

Vessel unable to complete loading owing to adverse weather conditions—Whether absolute obligation on owner to load full and complete cargo. **China Offshore Oil (Singapore) International Pte Ltd v Giant Shipping Ltd** [2001] 1 Comm 429, QBD.

Repudiation—

Generally. *See* **Contract** (Repudiation—Charterparty).

Termination—

Notice. *See* **Contract** (Termination—Notice).

Time charter—

Generally. *See* Time charterparty, *below*.

Collision regulations—

Crossing vessels—

Give-way vessel failing to take appropriate action—Failure of stand-on vessel to take action avoiding collision by her manoeuvre alone—Apportionment—International Regulations for the Prevention of Collisions at Sea 1972, r 17. **The Sitarem (owners) v The Spirit (owners and/or demise charterers)** [2001] 2 Comm 837, QBD.

Restricted visibility—Whether cause of collision failure of one vessel to take correct avoiding action—Use of VHF communications—Discretion of stand-on vessel to take avoiding action—International Regulations for the Prevention of Collisions at Sea 1972, r 17. **Mineral Dampier (owners and/or demise charterers) v Hanjin Madras (owners and/or demise charterers)** [2001] 2 Comm 805, CA.

Commencement of lay days—

Notice of readiness to load—

Invalid notice—Owners claiming demurrage—Charterers claiming despatch—Whether laytime commencing when no valid notice of readiness served. **Glencore Grain Ltd v Flacker Shipping Ltd** [2001] 1 Comm 659, QBD.

Demurrage—

Contract to sell cargo of gas oil—

Construction of demurrage provisions—Seller claiming demurrage from buyer—Buyer having sold cargo on—Whether buyer liable to seller—Whether interest payable. **Galaxy Energy International Ltd v Bayoil SA** [2001] 1 Comm 289, CA.

General average—

General average expenditure—

Towage charges—Fire on ship in port of discharge—Towage to anchorage—Whether ship 'detained' in port—Whether towage charges 'port charges'—York-Antwerp Rules 1974, r XI. **Trade Green Shipping Inc v Securitas Bremer Allgemeine Versicherungs AG** [2001] 1 Comm 1097, QBD.

Lay days—

Commencement. *See* Commencement of lay days, *above*.

Shipbuilding contract—

Construction. *See* **Contract** (Construction—Shipbuilding contract).

SHIPPING (cont)—

Time charterparty—

Employment clause—

Charterparty requiring master to follow orders of charterers and to prosecute voyage with utmost despatch—Charterparty incorporating provision exempting owners from liability for any act, neglect or default of master in navigation—Charterers instructing master to follow shorter route—Master deciding to take longer route before commencement of voyage—Whether instructions as to route orders as to employment or navigation of vessel—Carriage of Goods by Sea Act 1971, Sch, art IV, r 2(a). **Whistler International Ltd v Kawasaki Kisen Kaisha Ltd** [2001] 1 403, [2001] 1 Comm 76, HL.

Towage contract—

Clause relieving tug of liability—

Collision between tow and third party vessel—Third party bringing action against tugowner—Tugowner settling claim with third party—Defendant tow claiming against tugowner for direct and consequential damage to tow—Tugowner issuing proceedings against tow for settlement sum and declarations of non-liability for direct and consequential loss for tow—Contract providing 'knock-for-knock' agreement rendering tow liable for all damage caused by collision with tow—Tow arguing tug unseaworthy—Whether unseaworthiness rendering tugowner unable to rely on 'knock-for-knock' provisions—Whether tow able to limit liability—Merchant Shipping Act 1995, s 185. **Smit International (Deutschland) GmbH v Josef Mobius** [2001] 2 Comm 265, QBD.

SLANDER

Generally. See **Libel and slander**.

SOCIAL SECURITY

Disablement benefit—

Entitlement—

Disability living allowance—Transitional provisions—Appellant awarded disability living allowance for fixed period—New regulations imposing additional condition on entitlement—Appellant unable to satisfy new condition when making further claim for allowance—Regulations containing transitional provision—Whether transitional provision extending duration of claimant's entitlement to benefit beyond term for which it had been awarded—Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996, reg 12(3). **M (a minor) v Secretary of State for Social Security** [2001] 4 41, HL.

European Community—

Freedom of movement of workers. See **European Community** (Workers—Freedom of movement—Social security).

Housing benefit—

Assessment—

Assessment of amount by which eligible rent to be reduced when rent payable by claimant unreasonably high in comparison with suitable alternative accommodation—Whether claimant's personal circumstances relevant in assessing amount of reduction—Housing Benefit (General) Regulations 1987, reg 11(2). **R v City of Westminster Housing Benefit Review Board, ex p Mehanne** [2001] 2 690, HL.

Income support—

Jobseeker's allowance—

Entitlement—Method of calculating average weekly number of hours of remunerative work for persons in one-year cycle of work—Whether unpaid holiday periods to be taken into account for purpose of averaging exercise—Income Support (General) Regulations 1987, reg 5—Jobseeker's Allowance Regulations 1996, reg 51. **Banks v Chief Adjudication Officer** [2001] 4 62, HL.

SOLICITOR

Access to—

Right of person in custody—

Access by probationary solicitor's representative (PSR)—Applicant being dismissed by police for alleged misconduct but lodging appeal—Applicant obtaining employment as PSR—Deputy chief constable barring applicant as PSR from entering any police station in his force's area—Whether imposition of blanket ban on a PSR permissible—Police and Criminal Evidence Act 1984—Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers, paras 6.12, 6.13. **R (on the application of Thompson) v Chief Constable of the Northumbria Constabulary** [2001] 4 354, CA.

Costs—

Conditional fee agreement—

Success fee uplift—After-the-event (ATE) insurance premium—Personal injury claims—Modest and straightforward claims for personal injuries arising from road traffic accidents—Whether in such cases success fee uplift and ATE insurance premium recoverable from defendant as reasonable costs if claimant entering into conditional fee agreement and paying premium at outset—Maximum reasonable success fee uplift in such cases. **Callery v Gray** [2001] 3 833, CA.

Disciplinary proceedings—

Disciplinary tribunal—

Power to refer case to Office for the Supervision of Solicitors—Applicant making complaint against solicitors to Solicitors Disciplinary Tribunal—Tribunal declining to determine whether prima facie case made out and referring case to Office for the Supervision of Solicitors—Whether tribunal having power to refer case before certifying that prima facie case established—Solicitors (Disciplinary Proceedings) Rules 1994, rr 4, 28. **R (on the application of Toth) v Solicitors Disciplinary Tribunal** [2001] 3 180, QBD.

Legal professional privilege—

Generally. See **Privilege** (Legal professional privilege).

SOLICITOR (cont)—

Negligence—

Will—

Duty of care—Instructions to draw up will conferring benefit on identified beneficiary—Defendant solicitors failing to execute valid will giving effect to testatrix's testamentary intentions—Court ordering costs of proceedings challenging validity of will to be paid out of estate—Solicitors paying disappointed residuary beneficiaries sum amounting to full value of residuary estate undiminished by costs of will action—Testatrix's personal representative bringing proceedings against solicitors seeking recovery of costs of will action—Whether negligent solicitors having liability to testatrix's estate for costs of proceedings challenging validity of will. **Corbett v Bond Pearce (a firm)** [2001] 3 769, CA.

Practice—

Costs—

Before-the-event (BTE) insurance—Steps to be taken by solicitor to discover whether BTE insurance available to client—Guidance. **Sarwar v Alam** [2001] 4 All ER 541, CA.

SPECIAL HOURS CERTIFICATE

See **Licensing** (Permitted hours—Special hours certificate).

SPECIAL PROCEDURE MATERIAL

Generally. See **Criminal evidence** (Special procedure material).

STATE

State aids—

European Community. See **European Community** (State aids).

STATE AIDS

European Community. See **European Community** (State aids).

STATUTE

Construction—

Hansard—

Reference to proceedings in Parliament as an aid to construction—Whether reference to Hansard permissible in determining scope of statutory power. **R v Secretary of State for the Environment, Transport and the Regions, ex p Spath Holme Ltd** [2001] 1 195, HL.

STATUTORY NUISANCE

See **Nuisance** (Statutory nuisance).

STAY OF PROCEEDINGS

Arbitration—

Generally. See **Arbitration** (Stay of court proceedings).

Conflict of laws—

Generally. See **Conflict of laws** (Stay of proceedings).

Criminal proceedings. See **Criminal law** (Trial—Stay of proceedings).

STOLEN GOODS

Possession—

Conversion. See **Conversion** (Possession—Stolen property).

STREET

Highway. See **Highway**.

STRIKING OUT

Admiralty claims. See **Admiralty** (Practice—Striking out).

SUCCESSION

Intestacy—

Generally. See **Intestacy** (Succession).

SUGAR MARKET

EC Competition Rules. See **European Community** (Rules on competition—Agreements preventing, restricting or distorting competition—Sugar market).

SUMMARY JUDGMENT

Defamation cases—

Trial by jury—

See **Jury** (Trial by jury—Defamation—Summary judgment).

Generally. See **Practice** (Summary judgment).

T

TAPPING

Telephone tapping—

Use of telephone intercepts as evidence—

Criminal trial. See **Criminal evidence** (Interception of communications—Telephone intercepts).

TAX

- European Community. *See* **European Community** (Taxation).
- Income tax—
 - Generally. *See* **Income tax**.
- Value added tax—
 - European Community. *See* **European Community** (Value added tax).
 - Generally. *See* **Value added tax**.

TAXATION OF COSTS

- Arbitration. *See* **Arbitration** (Costs—Taxation).
- Legal aid proceedings. *See* **Legal aid** (Taxation of costs).

TELEPHONE

- Interception of telephone calls—
 - Use of telephone intercepts as evidence—
 - Criminal trial. *See* **Criminal evidence** (Interception of communications—Telephone intercepts).

TENANCY

- Generally. *See* **Landlord and tenant**.

THIRD PARTY

- Contribution. *See* **Contribution** (Third party proceedings)

THIRD PARTY INSURANCE

- Motor insurance—
 - Compulsory third party insurance. *See* **Motor insurance** (Compulsory insurance against third party risks).
 - Rights of third parties against insurers. *See* **Motor insurance** (Rights of third parties against insurers).

TIME

- Arbitration—
 - Setting aside award. *See* **Arbitration** (Award—Setting aside award—Time limit for application).
- Bill of lading—
 - Time for bringing claims. *See* **Shipping** (Bill of lading—Time for bringing claims).
- Charterparty. *See* **Shipping** (Time charterparty).
- Limitation—
 - Limitation of action. *See* **Limitation of action**.
- Pleading—
 - Amendment. *See* **Pleading** (Amendment—Leave to amend after expiry of limitation period).
- Service—
 - Claim form—
 - Extension of time for service. *See* **Claim form** (Service—Extension of time for service).

TIME CHARTER

- See* **Shipping** (Time charterparty).

TITLE

- Foreign immovables—
 - Conflict of laws. *See* **Conflict of laws** (Jurisdiction—Title to foreign immovables).
- Movables—
 - Conflict of laws
 - Generally. *See* **Conflict of laws** (Movables—Title to goods).
- Sale of goods—
 - Generally. *See* **Sale of goods** (Title).

TORT

- Conversion—
 - Generally. *See* **Conversion**.
 - Wrongful interference with goods. *See* Wrongful interference with goods—Conversion, *below*.
- Damages—
 - Generally. *See* **Damages**.
- Defamation. *See* **Libel and slander**.
- Limitation of action
 - Concealment of right of action—
 - Breach of duty. *See* **Limitation of action** (Concealment of right of action—Breach of duty).
- Negligence. *See* **Negligence**.
- Nuisance. *See* **Nuisance**.
- Vicarious liability. *See* **Vicarious liability**.
- Wrongful interference with goods—
 - Conversion—
 - Causation—Test for remoteness—Defendant wrongfully appropriating claimant's aircraft—
 - Defendant immune under doctrine of sovereign immunity to claims prior to certain date after aircraft appropriated—Tortious acts being committed subsequent to removal of sovereign immunity—Whether claimant required to prove damages would have occurred 'but for' wrongful interference after date of cessation of sovereign immunity. **Kuwait Airways Corp v Iraqi Airways Co (No 3)** [2001] 1 Comm 557, CA.

TOWAGE

Towage contract. *See* **Shipping** (Towage contract).

TRANSPORT

Air—

Carriage of goods etc. *See* **Carriage by air**.

Road transport—

Carriage by road. *See* **Carriers**.

European Community. *See* **European Community** (Road transport).

Sea transport—

Generally. *See* **Shipping**.

TRIAL

Criminal—

Generally. *See* **Criminal law** (Trial).

TRIBUNAL

Immigration Appeal Tribunal—

Generally. *See* **Immigration** (Appeal).

Solicitor's Disciplinary Tribunal. *See* **Solicitor** (Disciplinary proceedings—Disciplinary tribunal).

TRUST AND TRUSTEE

Administration of trust—

Chancery Division practice. *See* **Practice** (Chancery Division—Trusts).

Trust of land—

Order for sale—

Application for order for sale by chargee of co-owner's interest in property—Matters to which court required to have regard in exercise of discretion to order sale—Recompense of creditor for being kept out of money—Trusts of Land and Appointment of Trustees Act 1996, ss 14, 15. **Bank of Ireland Home Mortgages Ltd v Bell** [2001] 2 Comm 920, CA.

Application for order for sale by chargee of co-owner's interest in property—Whether new statutory provision changing law on exercise of court's discretion on such an application—Trusts of Land and Appointment of Trustees Act 1996, s 15. **Mortgage Corporation v Shaire** [2001] 4 364, Ch D.

U

UNDERWRITER

Insurance—

Liability—

Generally. *See* **Insurance** (Underwriter).

UNDUE INFLUENCE

Equitable relief. *See* **Equity** (Undue influence).

UNFAIR CONTRACT TERMS

See **Contract** (Unfair terms).

UNFAIR DISMISSAL

Determination whether dismissal fair or unfair—

Dismissal for misconduct—

Correct approach to determining fairness of dismissal—Employment Rights Act 1996, s 98. **Post Office v Foley** [2001] 1 550, CA.

UNINCORPORATED ASSOCIATION

Charity. *See* **Charity** (Unincorporated association).

UNJUST ENRICHMENT

Restitution. *See* **Restitution** (Unjust enrichment).

UNWANTED PREGNANCY

Negligence—

Damages. *See* **Damages** (Unwanted pregnancy—Negligence).

V

VALUE ADDED TAX

Club or association—

Supply of services for consideration—

Test for determining whether unincorporated body making taxable supplies to members—Value Added Tax Act 1994, s 94(2)(a). **Eastbourne Town Radio Cars Association v Customs and Excise Comrs** [2001] 2 597, HL.

European Community. *See* **European Community** (Value added tax).

VALUE ADDED TAX (cont)—

Penalty—

Dishonest evasion of value added tax—

Whether imposition of penalty for dishonest evasion of value added tax or duty giving rise to criminal charge for purposes of fair trial provisions of human rights convention—Value Added Tax Act 1994, s 60(1)—Finance Act 1994, s 8(1)—Human Rights Act 1998, Sch 1, Pt 1, art 6. **Han v Comrs of Customs and Excise** [2001] 4 687, CA.

VEXATIOUS PROCEEDINGS

Leave to institute or continue proceedings—

Leave to apply to Court of Appeal for permission to appeal—

Refusal of leave—Whether High Court judge's refusal to grant vexatious litigant leave to apply to Court of Appeal for permission to appeal infringing right of access to court under human rights convention—Supreme Court Act 1981, s 42—Human Rights Act 1998, Sch 1, Pt 1, art 6. **Ebert v Official Receiver** [2001] 3 942, CA.

VICARIOUS LIABILITY

Master and servant—

Authorised act done in improper manner—

Defendants owning boarding school and employing warden to take care of boys—Warden sexually abusing boys in his care—Whether school owners vicariously liable for sexual abuse committed by employee—Test for determining whether employer vicariously liable for employee's wrongful act. **Lister v Hesley Hall Ltd** [2001] 2 769, HL.

VICTIM

Personal statement—

Criminal proceedings. See **Practice** (Criminal proceedings—Victim personal statement).

VICTIMISATION

Discrimination—

Race relations legislation. See **Race relations** (Discrimination—Victimisation).

VIDEO LINK

Evidence—

Child—

Criminal proceedings. See **Criminal evidence** (Child—Video recording of testimony).

VIDEO RECORDING

Evidence—

Personal injury action—

Cross-examination. See **Practice** (Cross-examination—Video evidence).

VILLAGE GREEN

Registration. See **Commons** (Registration—Town or village green).

VIOLENCE

Crime—

Compensation for victims of crimes of violence. See **Compensation** (Criminal injuries).

W

WARD OF COURT

Jurisdiction—

Protection of ward—

Freedom of publication—Media interview with ward—Child leaving home to join religious group and being made ward of court—Ward's guardian publicising case with court's leave—Broadcaster recording interview with ward—Whether media requiring court's leave before interviewing or broadcasting interview with child known to be a ward. **Kelly v BBC** [2001] 1 323, Fam D.

Welfare. See **Child** (Welfare—Ward of court).

WARRANT

Arrest—

Generally. See **Arrest** (Warrant).

WILL

Disclaimer. See **Gift—Disclaimer, below**.

Gift—

Disclaimer—

Deceased's son executing voluntary deed before her death disclaiming all benefit arising on her death—Deceased leaving estate by will to son and his brother—Whether voluntary disclaimer before death of estate owner effective. **Re Smith (decd)** [2001] 3 552, Ch D.

WILL (cont)—

Negligence—

Solicitor—

Duty of care. *See* **Solicitor** (Negligence—Will—Duty of care).

WINDING-UP

Company—

Compulsory winding-up. *See* **Company** (Compulsory winding-up).

Generally. *See* **Company** (Winding-up).

WITHOUT NOTICE ORDER

Family Division—

Practice. *See* **Practice** (Family Division—Without notice orders).

WITHOUT PREJUDICE

Without prejudice negotiations—

Admissibility in evidence. *See* **Evidence** (Without prejudice negotiations).

WRONGFUL DISMISSAL

Damages—

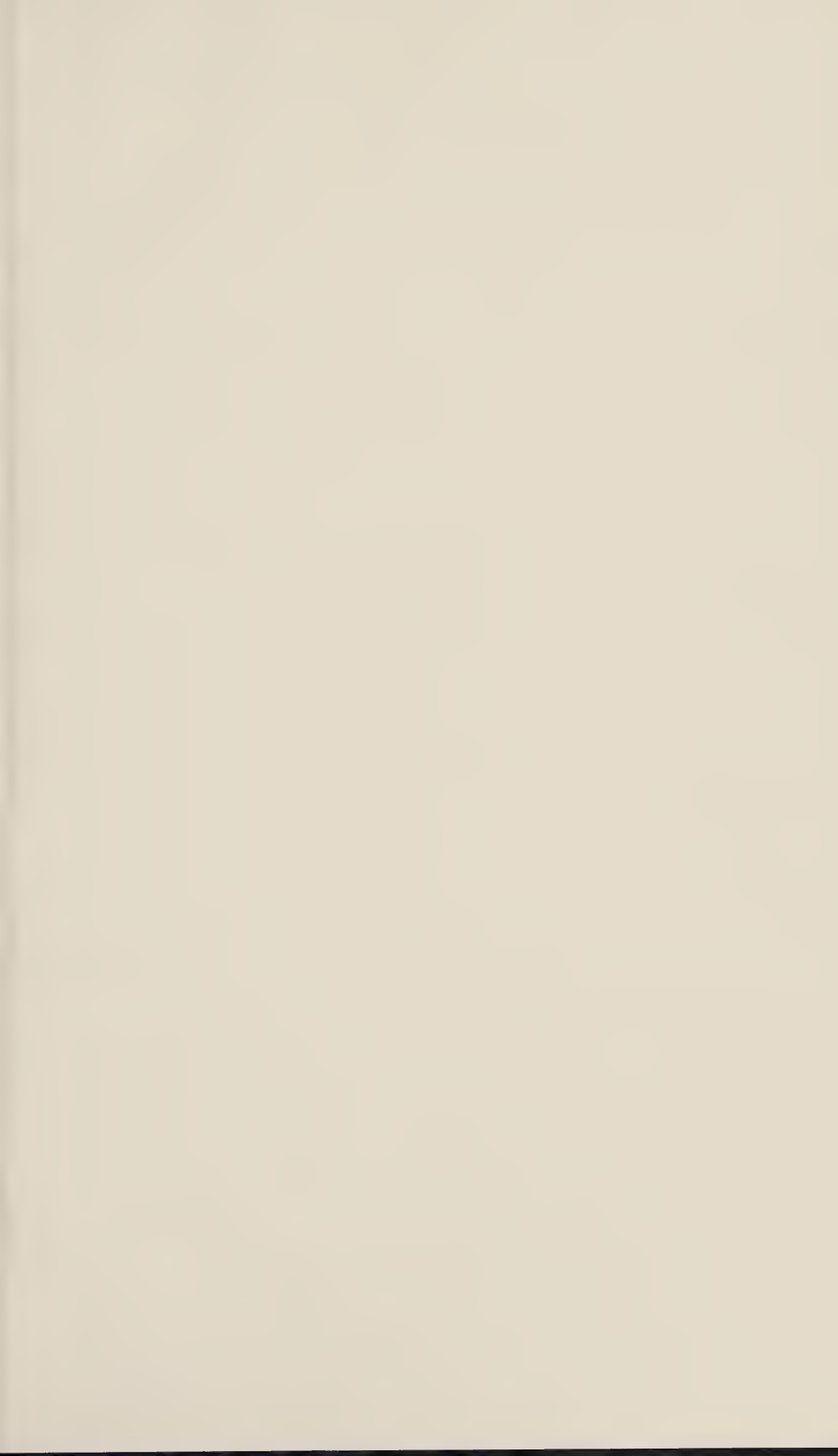
Contract. *See* **Contract** (Damages for breach—Wrongful dismissal).

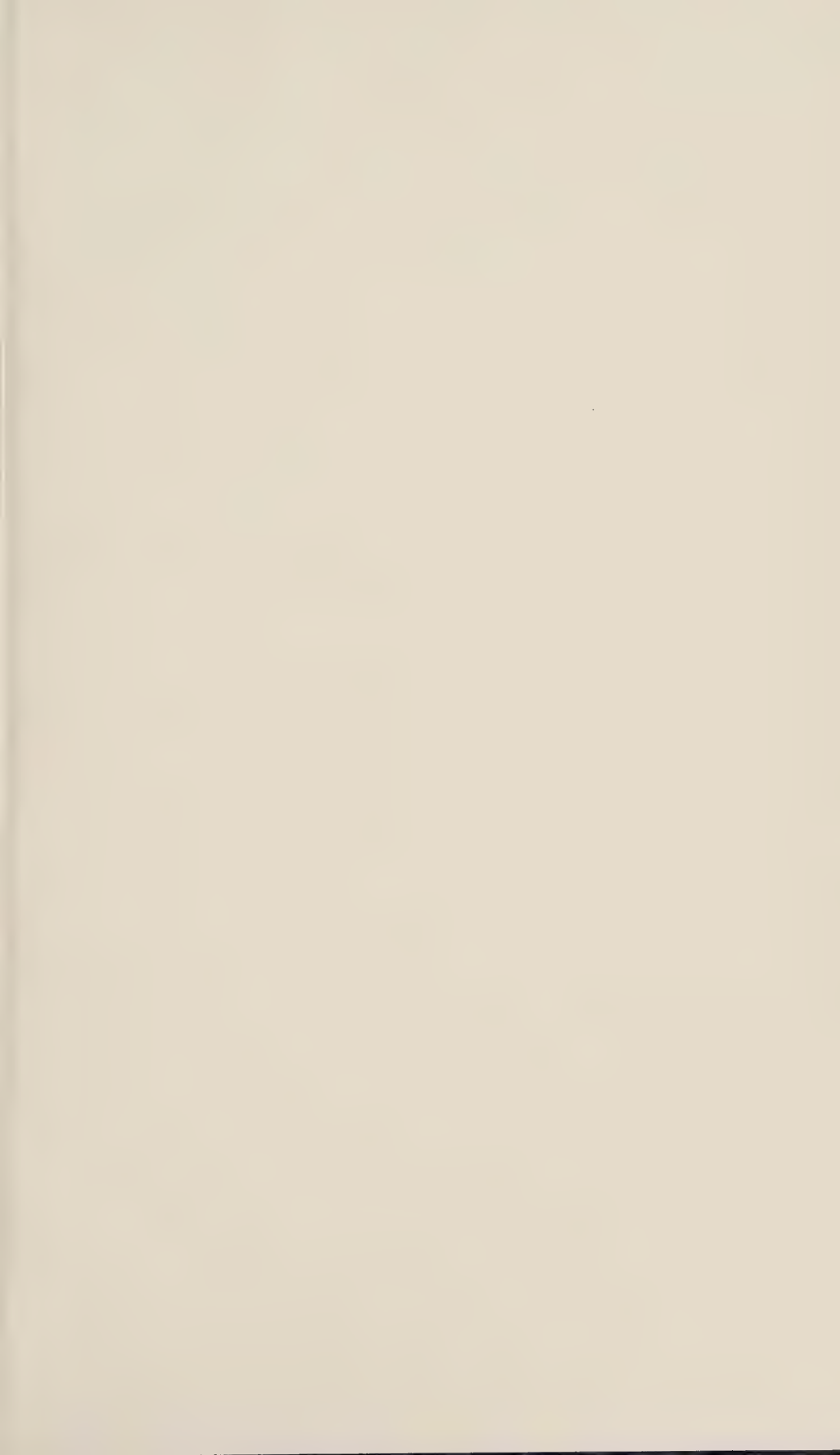
WRONGFUL INTERFERENCE WITH GOODS

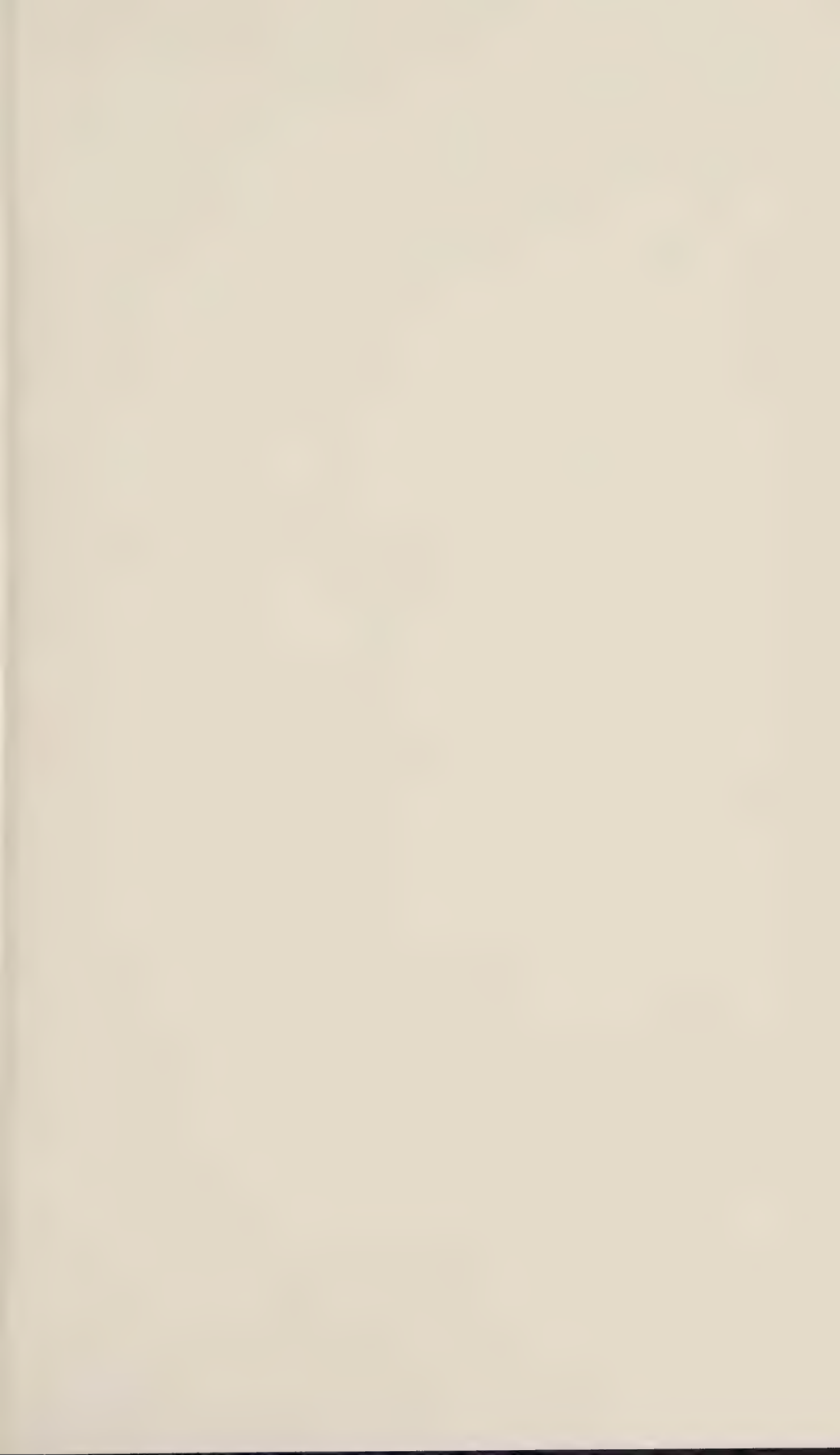
Generally. *See* **Tort** (Wrongful interference with goods).

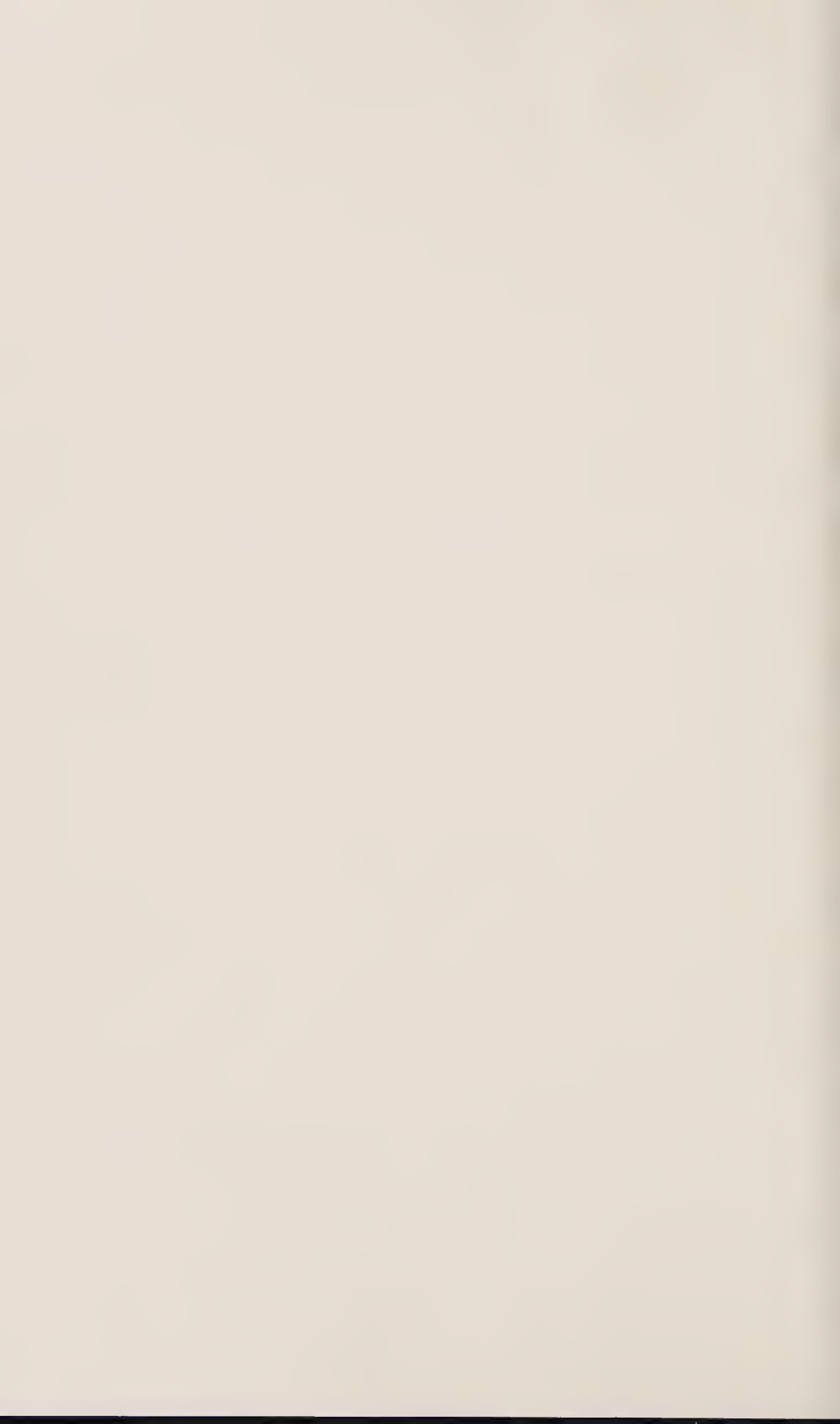
Y**YOUNG PERSON**

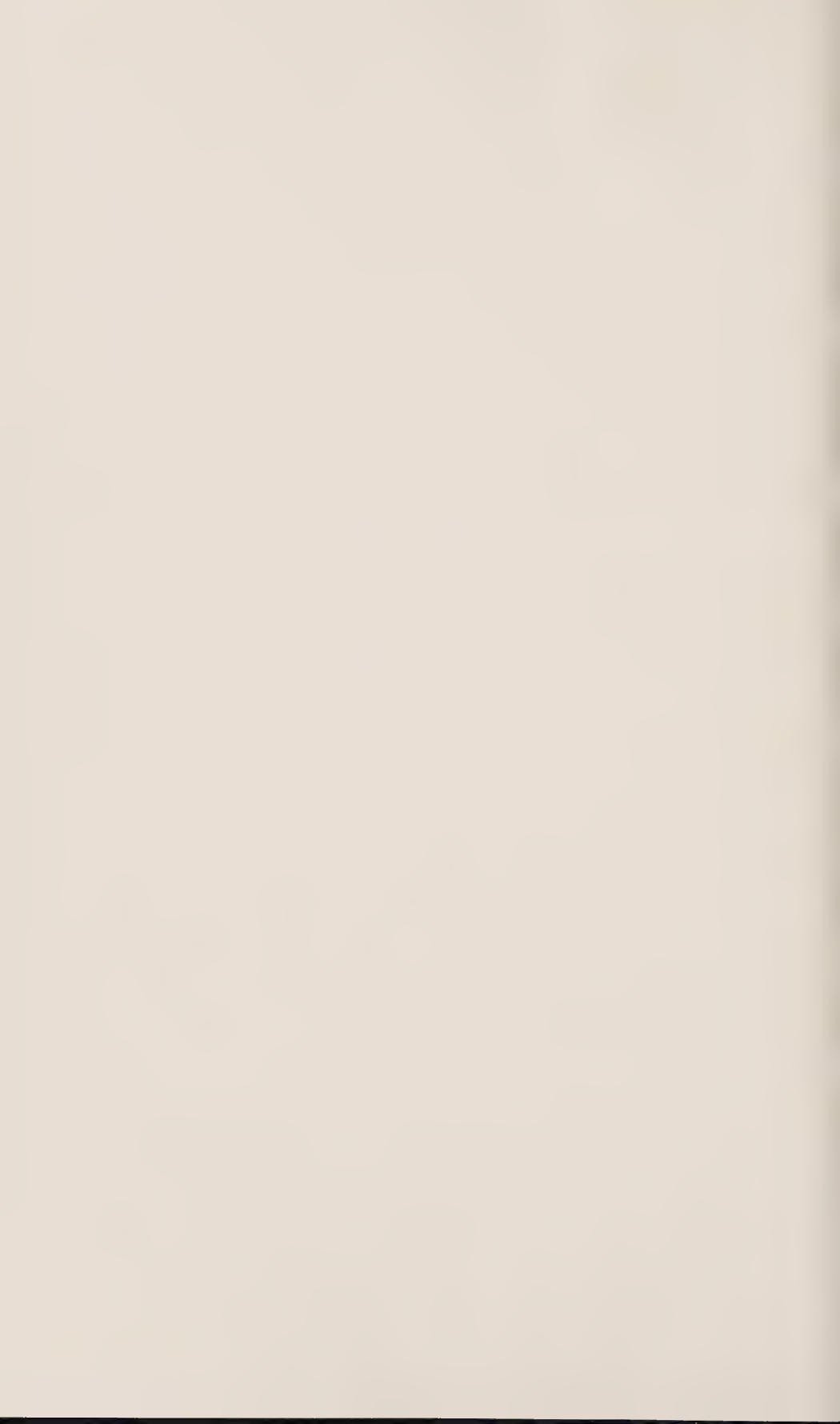
Sentence. *See* **Sentence** (Young person).

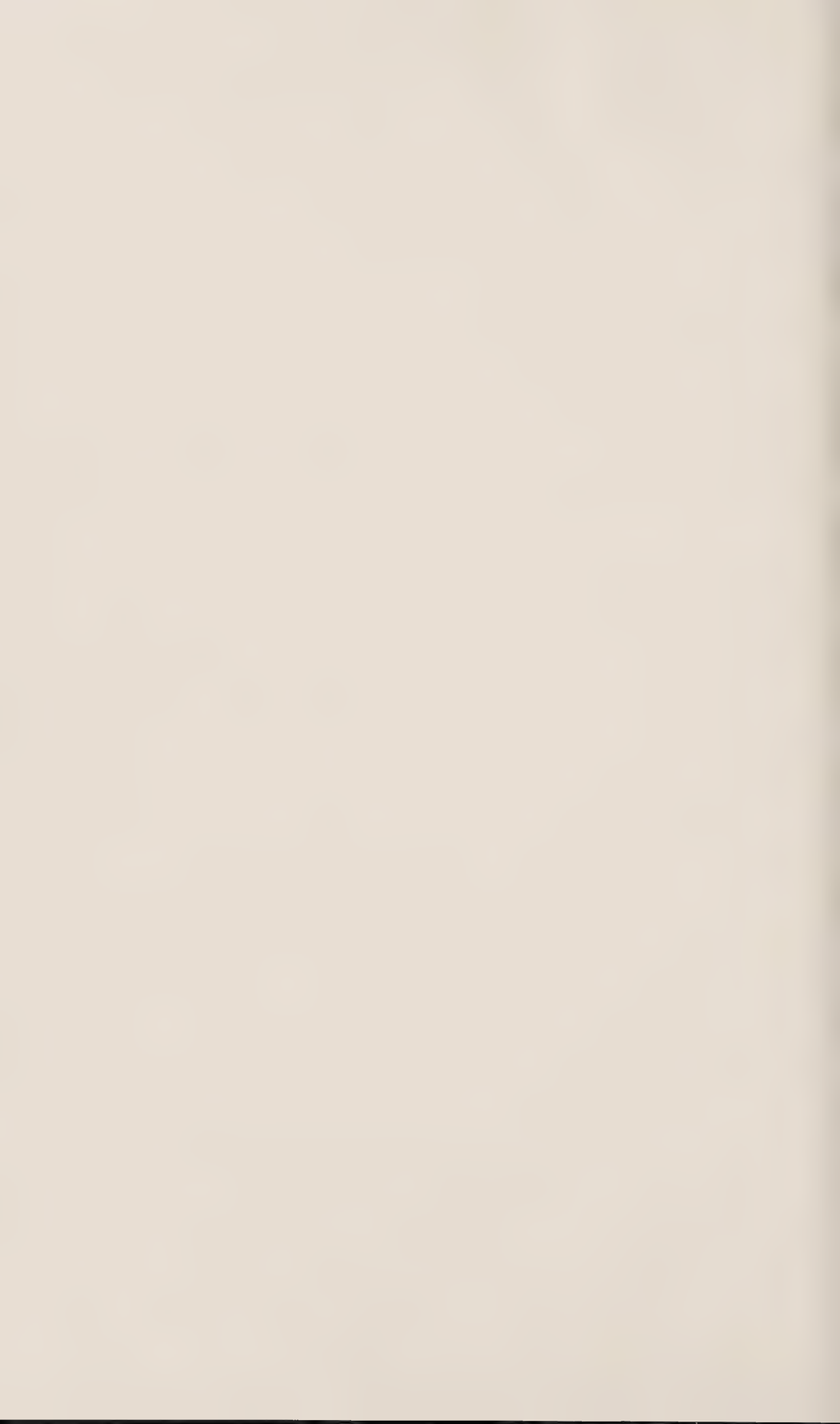


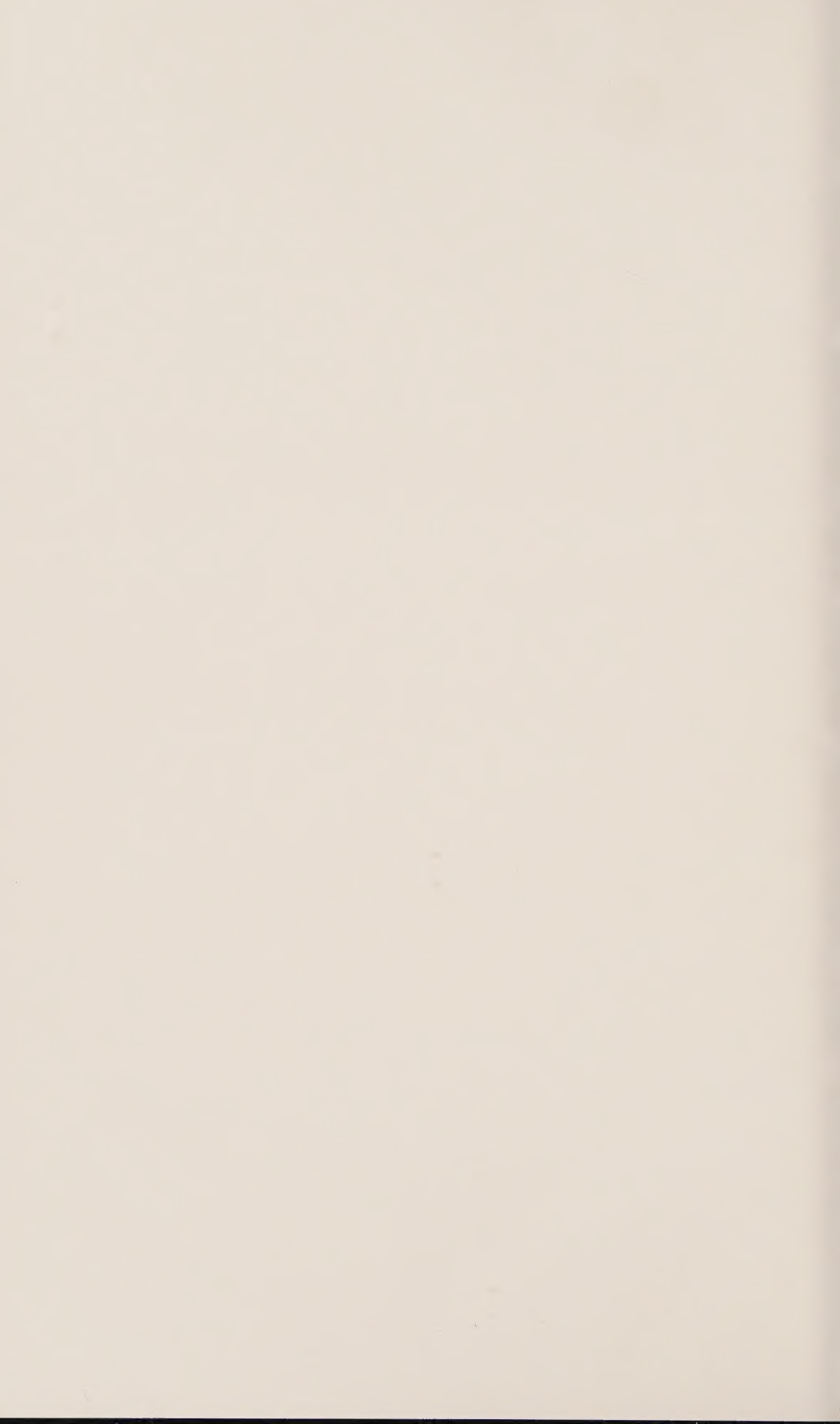












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62 >